

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	)	DECLARATION OF EDMUND
<i>Plaintiff,</i>	)	G. LACOUR IN SUPPORT OF
	)	DEFENDANT REZA ZARRAB'S
v.	)	MOTION TO SUPPRESS
	)	
REZA ZARRAB, et al.,	)	No. S1 15 Cr. 867 (RMB)
	)	
<i>Defendant.</i>	)	
	)	

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I, EDMUND G. LACOUR, do hereby declare under penalty of perjury, pursuant to 28 U.S.C. §1746:

1. I am a member of the law firm Kirkland & Ellis LLP, and counsel for Defendant Reza Zarrab. I am in good standing with the District of Columbia Bar, Alabama State Bar, and the State Bar of Texas, and I am admitted *pro hac vice* in the Southern District of New York. I respectfully submit this declaration in support of Defendant Reza Zarrab's Motion to Suppress Emails and Memorandum in Support of the Motion (the "Motion to Suppress"), dated October 28, 2016. I submit this Declaration based upon my personal knowledge, information, and belief, in support of the Motion to Suppress.

2. Attached hereto as **Exhibit 1** is a true and correct copy of the article "A Challenge to Erdogan's Rule," published on December 17, 2013 in the *Economist*, available at <http://www.economist.com/blogs/charlemagne/2013/12/turkish-politics>.

3. Attached hereto as **Exhibit 2** is a true and correct copy of the article "Turkey Feels Sway of Reclusive Cleric in the U.S.," published on Apr. 24, 2012, in the *New York Times*, available at <http://www.nytimes.com/2012/04/25/world/middleeast/turkey-feels-sway-of-fethullah-gulen-a-reclusive-cleric.html>.

4. Attached hereto as **Exhibit 3** is a true and correct copy of the article “Graft Inquiry Intensifies Turkish Political Rivalry,” published on December 17, 2013 in the *New York Times*, available at [http://www.nytimes.com/2013/12/18/world/europe/grift-inquiry-intensifies-turkish-political-rivalry.html?\\_r=0](http://www.nytimes.com/2013/12/18/world/europe/grift-inquiry-intensifies-turkish-political-rivalry.html?_r=0).

5. Attached hereto as **Exhibit 4** is a true and correct copy of the article “Turkish Judicial Purge Brings Corruption Investigation to a Halt,” published on January 22, 2014 in *Reuters*, available at <http://www.reuters.com/article/us-turkey-corruption-idUSBREA0L1G220140122>.

6. Attached hereto as **Exhibit 5** is a true and correct copy of the article “Turkey Crisis Put Jailed Millionaire at Heart of Gold Trail,” published on January 29, 2014 in *Bloomberg*, available at <http://www.bloomberg.com/news/articles/2014-01-29/turkey-scandal-places-jailed-millionaire-at-center-of-gold-trail>.

7. Attached hereto as **Exhibit 6** is a true and correct copy of the article “From His Pa. Compound, Fethullah Gülen Shakes Up Turkey,” published on January 20, 2014 in the *Los Angeles Times*, available at <http://www.latimes.com/world/la-fg-turkey-Gulen-20140120-story.html>.

8. Attached hereto as **Exhibit 7** is a true and correct copy of the article “Leaked Documents Purport to Reveal Turkish Graft Allegations,” published on March 14, 2014 in *Reuters*, available at <http://www.reuters.com/article/us-turkey-corruption-idUSBREA2D1F420140314>.

9. Filed under seal with the Court is **Exhibit 8**, a true and correct copy of the September 23, 2014 Warrant Application.

10. Attached hereto as **Exhibit 9** is a true and correct copy of the article “Turkish Leader Disowns Trials That Helped Him Tame Military,” published on February 26, 2014 in the *New York Times*, available at <http://www.nytimes.com/2014/02/27/world/europe/turkish-leader-disowns-trials-that-helped-him-tame-military.html>.

11. Attached hereto as **Exhibit 10** is a true and correct certified English-language copy of the article “Here Is The Brief Of Treason,” published on January 16, 2015 in *Sabah*, available at <http://www.sabah.com.tr/gundem/2015/01/16/iste-ihanet-fezlekesi>.

12. Attached hereto as **Exhibit 11** is a true and correct copy of the article “Turkey Frees Cabinet Ministers’ Sons,” published on February 28, 2014 in *BBC News*, available at <http://www.bbc.com/news/world-europe-26387522>.

13. Attached hereto as **Exhibit 12** is a true and correct copy of the article “Turkish Prosecutor Drops High-Level Corruption Probe,” published on October 18, 2014 in *Financial Times*, available at <http://www.ft.com/cms/s/0/63cf5042-56cb-11e4-a0b2-00144feab7de.html?siteedition=intl#axzz4IenMG1Ly>.

14. Attached hereto as **Exhibit 13** is a true and correct copy of the article “Turkey Drops Corruption Case That Dogged Government,” published on October 17, 2014 in *Reuters*.

15. Attached hereto as **Exhibit 14** is a true and correct English-language translation and Turkish-language copy of the December 15, 2014 Order of the Turkey 6th Criminal Court of Peace dismissing objections to the Istanbul Chief Public Prosecutor’s Office, Terror and Organized Crimes Investigation Bureau’s Decision of Non-Prosecution dated October 16, 2014.

16. Attached hereto as **Exhibit 15** is a true and correct English-language translation and Turkish-language copy of the January 5, 2015 Parliament Investigation Commission Report No. 681 of the Turkish Grand Assembly.

17. Attached hereto as **Exhibit 16** is a true and correct copy of the article “Erdogan Scores Big Win In Overcoming Graft Scandal,” published on January 20, 2015 in the *Wall Street Journal*, available at <http://www.wsj.com/articles/erdogan-set-for-big-win-in-overcoming-graft-scandal-1421788481>.

18. Attached hereto as **Exhibit 17** is a true and correct copy of the article “Turkey Indicts 3 Ex-Prosecutors Linked to 2013 Probe,” published on August 11, 2016 on *Anadolu Agency*, available at <http://aa.com.tr/en/turkey/turkey-indicts-3-ex-prosecutors-linked-to-2013-probe/626989#>.

19. Attached hereto as **Exhibit 18** is a true and correct copy of the article “Gülen, Suspected Associates on Trial for Coup Plot Charges,” published on January 6, 2016 on *Daily Sabah*, available at <http://www.dailysabah.com/investigations/2016/01/06/gulen-suspected-associates-on-trial-for-coup-plot-charges>.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Washington, D.C., on November 9, 2016.

By.   
Edmund G. LaCour Jr.

# **EXHIBIT 1**

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**Turkish politics**  
**A challenge to Erdogan's rule**

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IT WAS one of the most audacious challenges ever to the rule of Recep Tayyip Erdogan (pictured), the Turkish prime minister. On December 17th police detained the sons of three of his cabinet ministers, a construction tycoon, and a mayor from his mildly Islamist Justice and Development (AK) party in dawn raids carried out in Istanbul and Ankara as part of a corruption probe.

News of the detentions of around 49 people sent shockwaves throughout the political establishment and the Istanbul Stock Exchange's main index fell by more than 2% amid news that the investigation had extended to a state-run lender, Halkbank.

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The day before, Hakan Sukur, a former footballer who was elected to parliament on the AK ticket in the 2011 elections, resigned from his party over what he called its ingratitude towards Mr Gulen. Might other defections ensue? Mr Erdogan must surely be wondering. Turkey's beleaguered secularists are rubbing their hands in glee.

Yet, in his first comments after the detentions Mr Erdogan struck a characteristically defiant note: "We will not bow to any threats. They can resort to whatever ugly methods and alliances they choose...the AK party government will not allow this," he said. Mr Erdogan also pointed a finger at the same "dark foreign forces" whom he claimed had orchestrated the mass anti-government protests in June. "Turkey is not a banana republic," he roared.

The row between Mr Gulen and Mr Erdogan who is also a professionally trained Muslim cleric or imam, had been brewing for some time. Mr Erdogan has accused Mr Gulen's followers of establishing "a parallel state" by "infiltrating" key government ministries, the judiciary and the police force. "They are like ghosts, they are everywhere and nowhere," said Ahmet Sik, a journalist who spent a year in jail after writing a book about Mr Gulen's alleged grip over the state.

The so-called Gulenists are accused of exploiting their influence to gather incriminating evidence against the AK party members. The Gulenists dismiss the claims as "black propaganda" casting themselves as democrats alarmed by Mr Erdogan's drift towards authoritarian rule. It recently emerged that AK had been spying on the Gulenists as well. Tax auditors are now said to be preparing to swoop in on Gulen-affiliated businesses including Bank Aysa, an Islamic finance house. Many fret that the assorted dirt will spill out before nationwide municipal elections that are due to be held in March. The elections will be a crucial measure of Mr Erdogan's popularity as he prepares to run for the presidency that will come free next August.

Ironically, when AK shot to power in 2002, the Gulenists were its closest allies in the battle to declaw the army. Pro-Gulenists prosecutors were seen as the driving force in the controversial Ergenekon case which led to the convictions of hundreds of generals and their

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## **EXHIBIT 2**



MIDDLE EAST

# Turkey Feels Sway of Reclusive Cleric in the U.S.

By DAN BILEFSKY and SEBNEM ARSU APRIL 24, 2012

ISTANBUL — When Ahmet Sik was jailed last year on charges of plotting to overthrow the government, he had little doubt that a secretive movement linked to a reclusive imam living in the United States was behind his arrest.

“If you touch them you get burned,” a gaunt and defiant Mr. Sik said in an interview in March at his apartment here, just days after being released from more than a year in jail. “Whether you are a journalist, an intellectual or a human rights activist, if you dare to criticize them you are accused of being a drug dealer or a terrorist.”

Mr. Sik’s transgression, he said, was to write a book, “The Army of the Imam.” It chronicles how the followers of the imam, Fethullah Gulen, have proliferated within the police and the judiciary, working behind the scenes to become one of Turkey’s most powerful political forces — and, he contends, one of its most ruthless, smearing opponents and silencing dissenters.

The case quickly became among the most prominent of dozens of prosecutions that critics say are being driven by the followers of Mr. Gulen, 70, a charismatic preacher who leads one of the most influential Islamic movements in the world, with millions of followers and schools in 140 countries. He has long advocated tolerance, peace and interfaith dialogue, drawing on the traditions of Sufism, a mystical strain of Islam generally viewed as being moderate.

Turkey feels sway of Fethullah Gulen a reclusive cleric. (The New York Times)

But the movement's stealthy expansion of power — as well as its tactics and lack of transparency — is now drawing accusations that Mr. Gulen's supporters are using their influence in Turkey's courts and police and intelligence services to engage in witch hunts against opponents with the aim of creating a more conservative Islamic Turkey. Critics say the agenda is threatening the government's democratic credentials just as Turkey steps forward as a regional power.

"We are troubled by the secretive nature of the Gulen movement, all the smoke and mirrors," said a senior American official, who requested anonymity to avoid breaching diplomatic protocol. "It is clear they want influence and power. We are concerned there is a hidden agenda to challenge secular Turkey and guide the country in a more Islamic direction."

The movement has strong affiliations or sympathy in powerful parts of Turkey's news media, including the country's largest daily newspaper, Zaman, and, Turkish analysts say, among at least several dozen members of its 550-seat Parliament, with support extending to the highest levels of government.

With its extensive influence in the media and a small army of grass-roots supporters, the Gulen movement has provided indispensable support to the conservative, Islam-inspired government of Prime Minister Recep Tayyip Erdogan. Some officials and analysts suspect that some elements within the Gulen movement have served as a stalking-horse for the government, which has benefited, too, as the Gulen-affiliated media have attacked common opponents and backed trials that Mr. Erdogan has publicly supported.

But the relationship between Mr. Erdogan and Mr. Gulen has sometimes been tense, with the prime minister, a mercurial and populist leader, sensitive to any challenges to his authority. Analysts say that in recent months Mr. Erdogan and other members of his Justice and Development Party have grown increasingly wary, as high-profile arrests of critics of the Gulen movement have embarrassed the government. There is growing talk of a power struggle.

A culture of fear surrounding the so-called Gulenists, however exaggerated, is so endemic that few here will talk openly about them on the telephone, fearing that their conversations are being recorded and that there will be reprisals.

Ayse Bohurler, a founding member of the Justice and Development Party, said that the lack of transparency and clear organizational structure made it impossible to hold the group accountable. “There is no reference point; they are kicking in the shadows,” Ms. Bohurler said. “They are everywhere and nowhere.”

Mr. Gulen rarely gives interviews, and he declined a request for this article. But Mustafa Yesil, president of the Journalists and Writers Foundation, a group based in Istanbul that is affiliated with the movement, described the Gulenists as a “civic movement” with no political aspirations. If sympathizers of the movement are well represented in Turkey’s state bureaucracy and the police, Mr. Yesil said, their presence is based on merit.

“The old guard feel squeezed because their space is getting smaller, and they are sending the bill to the movement,” Mr. Yesil said.

His words were reinforced by a rare public statement posted on a leading Gulen community Web site this month. The statement said it was a “violation of human rights” to accuse Gulenists in the state bureaucracy of “infiltration” when they were actually upholding the rule of law and serving their country.

The movement is well known for running a network of schools lauded for their academic rigor and commitment to spreading Turkish language and culture. Gulen followers have been involved in starting one of the largest collections of charter schools in the United States. With their neatly trimmed mustaches, suits and ties, and their missionary zeal, supporters here convey the earnestness of Mormon missionaries or Muslim Peace Corps volunteers. Their eyes moisten at the mention of Mr. Gulen’s name, which is invoked with utmost reverence.

Sympathizers say the notion of Mr. Gulen as a cultish puppet master is a malicious caricature. The group consists of an informal network of followers and has no formal organization or official membership, they say. Mr. Gulen communicates in essays and videotaped sermons, which are posted on the Internet and appear in other Gulen-related media outlets.

His sympathizers say his goal is the creation of a “golden generation” that would embrace humanism, science and Islam and serve the Turkish state. He has publicly

affirmed the importance of complying with Turkey's secular laws, and mathematics and science competitions at Gulen schools overshadow religious expression, which takes place quietly in "relaxation rooms" that double as prayer spaces.

But some critics say that outward appearances belie the true agenda of a movement working behind the scenes to expand the role of Islam in Turkey. They say that, ultimately, the community aims to bring Mr. Gulen, who is ailing, back to Turkey. Supporters say Mr. Gulen has resisted returning home, mindful that he could polarize the country.

Mr. Sik, the author, accused Mr. Gulen's followers of misusing their positions of power. Once arrested, he was accused of links to a shadowy network called Ergenekon, which prosecutors contend planned to engage in civil unrest, assassinations and terrorism to create chaos for Mr. Erdogan's Muslim-inspired government as a prelude for a coup by the military, which has long regarded itself as the guardian of the secular state.

Even some of Mr. Sik's staunchest critics say the charges against him appeared ludicrous. A longtime critic of the military, he had written a book on the Ergenekon case arguing about ways prosecutors could better investigate the coup plot he is now accused of abetting.

The Ergenekon trials have been a watershed for Turkey, as prosecution of the matter has swept up dozens of journalists, intellectuals and current and former military service members.

The ascent of Mr. Erdogan's government since 2002 has radically shifted the balance of power, and analysts say the Gulenists have seized the opportunity to settle old scores and tame their former rivals, including the military.

"Hard-core activists within the Gulen movement are driving the arrests," said Gareth Jenkins, an expert on Turkey at the Central Asia-Caucasus Institute, affiliated with Johns Hopkins University. "It is revenge for the 1990s, when the military oppressed Muslim conservatives."

Turkey feels sway of Fethullah Gulen a Reclusive Cleric - The New York Times

Gulen supporters argue that the Ergenekon trials are a long-overdue historical reckoning aimed at bringing to account a murky group of ultranationalist operatives, linked to the military, that has fought against perceived enemies of the state, including pro-Islamists.

Few here doubt that there is some truth to the conspiracy: the police say they have uncovered stashes of weapons linked to retired officers, and the military has intervened four times to overthrow democratically elected governments.

Mr. Gulen lives in self-imposed exile on a 25-acre haven in the mountains of eastern Pennsylvania. In 1999, he fled Turkey amid accusations of plotting to overthrow the secular government. Around that time, a taped sermon emerged in the media in which Mr. Gulen was heard advising his followers to “move within the arteries of the system, without anyone noticing your existence, until you reach all the power centers.”

He has said his words were manipulated, and he was acquitted of all charges in 2008.

Mr. Gulen, who has preached openly against fundamentalism and terrorism, was embraced in Washington after Sept. 11, 2001, as a welcome face of moderate Islam, analysts say. His green card application shows that his request to remain in the United States was endorsed by a former official of the Central Intelligence Agency. His movement’s events have been attended by luminaries like former Secretary of State Madeleine K. Albright and Kofi Annan, the former United Nations secretary general.

A 2009 cable by the United States ambassador to Turkey at the time, James F. Jeffrey, made public by WikiLeaks, noted that the Gulen movement was strong within the police force and in conflict with the military. It said that the assertion that the Turkish national police is controlled by Gulenists “is impossible to confirm, but we have found no one who disputes it.”

The cable goes on to say that the Gulen-controlled media are supporting the investigation into Ergenekon and have helped put many opponents of the governing Justice and Development Party behind bars.

But the interests of the movement and the government appear increasingly to be diverging, as prosecutions of opponents widen.

In February a prosecutor asked the leader of the National Intelligence Agency, Hakan Fidan, a close ally of Mr. Erdogan, to testify in a court case widely backed by Gulen supporters over secret links between the agency and the P.K.K., a Kurdish group that Turkey, the United States and the European Union classify as a terrorist organization. The government moved swiftly to block the questioning, and the prosecutor was removed from the case.

It was not the first case in which tensions with the government have surfaced, or the first case of allegations with murky origins.

In September 2010, Hanefi Avci, a former police chief and Gulen sympathizer, was arrested and accused of being part of the Ergenekon plot after publishing a book alleging that a network of Gulenists in the police was manipulating judicial processes.

In another case, in 2009, three noncommissioned officers confessed to planting forged documents implicating the commander of their air force base in the central city of Kayseri, according to Serkan Gunel, a lawyer familiar with the case. One of the documents asked army personnel to assist an officer jailed on charges of plotting to overthrow the government.

The officers told investigators they had planted the forged documents at the request of their Gulenist mentor. Soon afterward, articles appeared in the Gulen-affiliated media saying that their confessions had been extracted with the use of hypnosis. The military prosecutor who carried out the investigation, Col. Ahmet Zeki Ucok, was accused of cavorting with Russian prostitutes as part of a smear campaign, the lawyer said.

The officers recanted their confessions and were restored to their posts. A forensic medical report, obtained 18 months after the officers were interviewed, said they could have been hypnotized. Colonel Ucok was convicted April 17 on charges of torture related to his questioning of the officers and sentenced to seven and a half years in prison.

Mr. Sik, who remains out of prison, pending trial, has not been silenced. The police seized the manuscript to his book, but it was nevertheless published by a group of supporters on the Internet. Mr. Sik says he hopes to return to writing books, assuming he is not put back in jail.

“My only wish is for my children to read about these events as dirt from the past,” he said. “I want it to be buried.”

A version of this article appears in print on April 25, 2012, on page A4 of the New York edition with the headline: Turkey Feels Sway of Reclusive Cleric in the U.S.

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# **EXHIBIT 3**

# Graft Inquiry Intensifies Turkish Political Rivalry

By [TIM ARANGO](#) and SEBNEM ARSUDEC. 17, 2013

Photo



Baris Guler, in sunglasses, was one of the sons of cabinet ministers detained in a corruption inquiry that has highlighted tensions between followers of Prime Minister Recep Tayyip Erdogan and Fethullah Gulen.

Credit

Kursat Bayhan/Zaman Daily, via Reuters

ISTANBUL — At dawn on Tuesday the police raided the offices of several businessmen with close ties to Prime Minister Recep Tayyip Erdogan as part of a wide-ranging corruption investigation, immediately raising the stakes of an unfolding political contest of wills here between two men who have long held sway over the country's Muslim masses: an ailing and aging Turkish preacher who lives on a sprawling compound in the Poconos, and Mr. Erdogan.

The corruption dragnet, in which the sons of three cabinet ministers were also detained on allegations of bribery, is a threat to Mr. Erdogan, involving as it does the same issue inciting the wave of antigovernment demonstrations that swept the country last summer: the construction business and public financing of real estate.

The investigation also threatens to shake Turkey's political establishment ahead of a series of elections that will determine the future of the country's Islamist governing party, in power now for more than a decade. But it also figures in the personal battle going on between Mr. Erdogan and the charismatic preacher, Fethullah Gulen.

The preacher left Turkey in 1999 for exile in America after he was accused of trying to establish an Islamic state. He presides over a global following in the millions, some of whom have come to fill the ranks of Turkey's police and judiciary, including a prosecutor said to be leading the latest corruption investigation.

He and Mr. Erdogan were once uneasy partners in a political alliance that aimed to rid Turkish politics of the influence of the military, which carried out three coups in the 20th century and protected the secular elite while oppressing the pious classes.

After a series of trials, numerous generals and officers are in prison, and civilian authority over the military seems assured. But now Mr. Erdogan and Mr. Gulen are openly feuding, raising questions about the cohesion of the Islamist-rooted governing party here.

The raids and detentions on Tuesday riveted the public, partly because the Istanbul prosecutor said to be leading the investigation, Zekeriya Oz, is believed to be sympathetic to Mr. Gulen, as are many others throughout the government. That has raised suspicions in the Erdogan camp of an antigovernment conspiracy.

Kadri Gursel, a Turkish columnist, recently wrote that the rift is "actually a divorce proceeding that is getting uglier by the day."

Photo

**Credit**

Burhan Ozbilici/Associated Press

Like many divorces, this one has come with its share of tawdry allegations, and the discord has also been fed by a series of leaked documents that revealed a government effort to monitor religious groups — including the Gulen movement — as far back as 2004, around the time Mr. Erdogan became prime minister.

The tension between the two camps erupted several weeks ago over what would seem to be the trivial matter of a government plan to shut down private test preparation centers that provide tutoring to students for college entrance examinations. But it highlighted suspicions within some wings of the governing Justice and Development Party, known by its Turkish initials A.K.P., about the growing social power of the Gulen movement, which runs schools in more than 100 countries and owns many of the tutoring centers the government is trying to shut down.

The current corruption investigation increases the pressure on Mr. Erdogan. He was already facing opposition from the urban liberals and secular-minded Turks who found their voice in the summer's antigovernment demonstrations, and he is now facing cracks within his conservative religious base, which represents half of the electorate in Turkey.

One of the targets of the corruption inquiry is Ali Agaoglu, a construction tycoon behind several controversial development projects in Istanbul. The ministers' sons, according to the newspaper Hurriyet, are being investigated on suspicion of taking bribes in bids for public projects.

Others caught up in the investigation are said to be municipal workers accused of taking bribes in return for ignoring zoning regulations. The offices of the state-run Halkbank were also raided, and an Iranian businessman, Reza Zarrab, who is married to a Turkish pop star, was detained.

In a statement posted online, Mr. Agaoglu's company said that its "headquarters was searched with a court order," and that "there were no elements of a crime or criminal components found at the premises."

Late on Tuesday, Mr. Agaoglu sat inside an Istanbul police station, smoking, drinking tea and waiting to be questioned by the authorities.

Hasan Rahvali, the chief executive of Mr. Agaoglu's construction firm, said in a telephone interview that "claims about corruption allegations are merely rumors."

He continued: "Criteria to participate in public bids are very clear, and there's full transparency in procedures. We are ready to cooperate if there is any information required by the legal authorities."

Photo



Credit

Ruth Fremson/The New York Times

While many commentators here saw the influence of the Gulen movement behind the investigation, one senior member of a Gulen-affiliated organization denied any link between the group and the investigation.

The movement's power within Turkey stems from the positions it controls within the state, experts say, and not necessarily its ability to swing an election. Analysts and A.K.P. officials believe the group's electoral support is only in the low single digits.

That is why many analysts say Mr. Erdogan could yet keep his hold on power — he is widely believed to be planning a run for the presidency next year — without the support of the Gulen movement. But the worry inside Mr. Erdogan's inner circle, according to officials and analysts, is that some powerful Gulen-affiliated businessmen will try to split the A.K.P. and finance a rival party.

Already, two A.K.P. lawmakers have quit the party over the dispute, including a former soccer star turned politician, Hakan Sukur, who resigned Monday and criticized the party for shutting down the Gulen-affiliated test preparation schools.

That worry has deepened as many Gulen supporters have found common cause with the largely secular and youthful protesters of last summer. Many of the concerns voiced by the protesters in the streets about the growing authoritarianism of Mr. Erdogan are shared by followers of Mr. Gulen.

To a great extent, these are the same people who supported Mr. Erdogan in his pursuit of democratic overhauls, his promise of a new constitution to replace the one imposed by the military after a coup in 1980 and his quest for European Union membership.

"We still think that their efforts to curb the militarized system, and prosecute coup perpetrators were correct, and so we supported them," said Mustafa Yesil, the director of the Journalists and Writers Foundation, a Gulen-affiliated organization in Istanbul. "Mr. Erdogan's attitude and approach at those times were more embracing and liberal."

But he never followed through, Mr. Yesil and others say. "The new constitution that we all aspire to never came, the European Union membership process has been stalled and regarding the Syrian policy, instead of a peaceful approach, it was all about burning bridges, which caused a lot of problems for Turkey."

"The approach became harsher," Mr. Yesil added, "and therefore was unacceptable."

Ceylan Yegin-su contributed reporting.

A version of this article appears in print on December 18, 2013, on page A4 of the New York edition with the headline: Graft Inquiry Intensifies Turkish Political Rivalry. [Order Reprints](#) | [Today's Paper](#) | [Subscribe](#)

# **EXHIBIT 4**



WORLD NEWS | Wed Jan 22, 2014 11:16am EST

## Turkish judicial purge brings corruption investigation to halt



Turkey's Prime Minister Tayyip Erdogan addresses a news conference after meeting European Council President Herman Van Rompuy and European Commission President Jose Manuel Barroso in Brussels January 21, 2014.  
REUTERS/Francois Lenoir



By **Daren Butler** and **Nick Tattersall** | ISTANBUL

Turkey's purge of the judiciary and police has brought a corruption investigation shaking the government to a grinding halt and could undermine confidence in state institutions, senior legal figures and the opposition said on Wednesday.

Ninety-six judges and prosecutors were reassigned overnight, the biggest purge of the judiciary since a graft scandal erupted on December 17 with the arrest of businessmen close to Prime Minister Tayyip Erdogan and three ministers' sons.

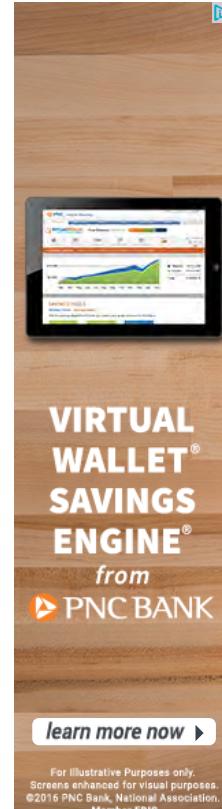
Erdogan has portrayed the corruption inquiry as an attempted "judicial coup" orchestrated by U.S.-based cleric Fethullah Gulen, whose network of sympathizers, known locally as "Cemaat" (religious community), hold considerable sway in many parts of the state including the police and legal system.

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The government's response, transferring thousands of police officers and seeking to tighten its grip on the courts, has brought sharp criticism from the European Union, which Turkey has been seeking to join for decades, and rattled investors, helping send the lira to record lows.

"Turkey is ablaze with the justice agenda," said Metin Feyzioglu, chairman of the Turkish bar association.

"Everyone in the country has started to ask when there is an investigation or trial what side the judge, prosecutor or police officer is on," he said. "The foundation of the state and the country's legal order has been shaken."

European Commission President Jose Manuel Barroso told Erdogan, on his first visit to Brussels in five years on Tuesday, that respect for rule of law and independence of the judiciary were basic principles of democracy and essential conditions for EU membership.

Erdogan, a feisty leader who bristles at open criticism, scolded EU leaders for raising the dispute in public.

The roughly 120 judges and prosecutors reassigned since the graft scandal broke make up a fraction of the 13,000 working in Turkey as a whole, but the move has put sensitive cases on hold and shaken confidence within the profession.

"While the government claims that it is fighting against a parallel structure, it is actually closing off the corruption investigations ... It is taking away those who know their cases best. It causes a great deal of harm," said Murat Arslan, chairman of the YARSAV association of judges and prosecutors.

"It is quite clear there is political intervention here ... they are quite clearly intimidating the whole of the judiciary. It is sending the message that 'you cannot conduct an investigation which touches me'," he told Reuters.

The state plays a strong role in Turkish political culture, often at the expense of individual liberties. The sight of open institutional feuding can only raise public concern where crises in the past have taken the form of army coups.

Erdogan has essentially banished the army from politics in 11 years in power. His popularity seems as yet largely unaffected by the current turmoil and there is no sign of the summer demonstrations that shook his government reigniting on a similar scale. He will, in short, be trusting voters will flee towards the elected power.

#### **"PARALLEL STATE"**

Judges and prosecutors across the country - from Istanbul in the west to the southeastern city of Diyarbakir, and from the southern border region with Syria to the northern Black Sea coast - were reassigned in the move announced late on Tuesday.

The High Council of Judges and Prosecutors (HSYK), already headed by the justice minister and set to fall further under government control under a ruling party bill before parliament, said the 96 were being transferred to new locations.

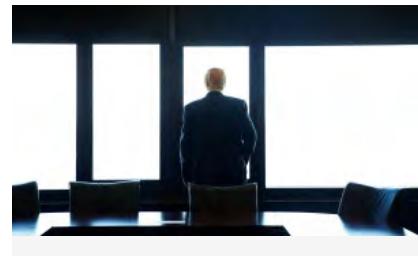
The government denied involvement.

"These appointments have absolutely nothing to do with our ministry. This is completely at the discretion of the relevant (HSYK) chamber," a senior justice ministry

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#### **EDITOR'S PICK**

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**LIVE: Election 2016**

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official said.

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Arslan estimated around half of those moved may have applied for a transfer, but said others were given no prior notice, finding out from the HSYK website. They were given two weeks to move if their appointment was in another province, otherwise were expected to start their new role the same day.

Nearly 500 police, mostly in Ankara, were also removed from their posts and reassigned on Wednesday, media reports said, bringing the total since December 17 to several thousand.

Erdogan's supporters say the police and judiciary are dominated by Cemaat sympathizers and that the government's actions strengthen not weaken their independence. Erdogan himself refers to a "parallel state" within the judiciary.

But Aykut Erdogan, the chief corruption investigator for the main opposition CHP, said the purge had become so broad that many of those removed were not even linked to Cemaat.

"We've reached the point where members of these institutions are unable to do their job," Erdogan told Reuters.

"More important is the damage done to these institutions. It can take decades to build up competent staff to run the institutions of state. Moreover, it will take years to undo the memory of this among prospective candidates in the future."

Among those reassigned overnight was the chief prosecutor in the major western city of Izmir, Huseyin Bas, who had been handling a corruption investigation into the state railway company. He was transferred to Samsun on the Black Sea.

CHP leader Kemal Kilicdaroglu held up in parliament on Tuesday what he said was a "horrifying" statement written by Bas saying the justice ministry had demanded he halt the probe.

Justice Minister Bekir Bozdag acknowledged his undersecretary had called the prosecutor but denied there was any request to stop the inquiry.

(Additional reporting by Gulsen Solaker in Ankara and Ayla Jean Yackley in Istanbul; Writing by Nick Tattersall; editing by Ralph Boulton)

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**Iran arrests nuclear negotiator suspected of spying**

DUBAI Iran has arrested a member of the negotiating team that reached a landmark nuclear deal with world powers on suspicion of spying, a judiciary spokesman said on Sunday.



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LIBREVILLE Supporters of Gabon's President Ali Bongo and his chief rival Jean Ping both said on Sunday they were set to win a presidential election that has proved to be the most serious challenge yet to the Bongo family's half-century rule in the tiny, oil-rich nation.



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# **EXHIBIT 5**

# Turkey Crisis Puts Jailed Millionaire at Heart of Gold Trail

Mehul Srivastava

January 29, 2014 — 10:55 AM EST

To catch a glimpse of the former life of Riza Sarraf, flip through the celebrity columns of Turkey's newspapers.

Here he is, as a fluttering tarpaulin reveals a [\\$72 million villa](#) on Istanbul's waterfront, a present for his pop-star wife, [Ebru Gundes](#). Here he is, [sitting](#) near Prime Minister Recep Tayyip Erdogan at a government-housing ceremony. On another day, he [clutches an award](#) on a stage with Erdogan's wife.

To catch a glimpse of his current life, flip through the manual for a [Type T Prison](#) in Istanbul, where Sarraf shares a room with four men and the entire prison population hangs out in a common room with a radio and a small kitchen. Once a day they're allowed an hour of recreation on a basketball court.

The 30-year-old Iranian emigre, police and court documents say, is at the heart of a ring of bribery, forgery and gold-smuggling that has helped lead to hundreds of arrests in Turkey and the [resignations](#) of three cabinet ministers. Sarraf kept ministers on speed dial while plying them and their families with millions of dollars in cash and gifts, including a \$37,000 piano and a watch costing at least \$350,000 for one minister, and sped around Istanbul with a police escort arranged by another, the documents claim.

"It is certainly extraordinary for someone to manage to achieve these kinds of connections, and this volume of business so quickly," said Wolfgango Piccoli, the managing director of London-based Teneo Intelligence, who previously followed Turkey for Eurasia Group and writes reports on the country for clients. "The question is how did Sarraf manage to do that?"

## Police Firings

Erdogan long has touted Turkey's transformation into an economic powerhouse in a region populated by failed states as a principal accomplishment of his 11 years as prime minister. The arrests of Sarraf, and others close to the premier's circle of power, show a different side of the story -- one where favors and bribery are said to have accompanied the financial success of his allies. If convicted, they would be the first casualties in a legal battle that could undermine Erdogan should he run for president in this year's elections.

Since the first wave of arrests in the 15-month investigation occurred last month, Erdogan's government has fired or reassigned almost 4,000 police officers as well as prosecutors and regulatory officials. The prime minister portrays the case as an attempted coup directed at his government and his family.

## Private Jet

The crisis has taken its toll on markets: The benchmark stock index is down 17 percent since the first arrests on Dec. 17. And it's one reason why the currency fell to new records for 10 straight days through Jan. 27, when the

central bank said it was scheduling an emergency rates meeting the next day. The bank announced at midnight today that it was increasing all its main interest rates, reversing years of policy. The lira fell after rising earlier in the day; stocks fell.

Sarraf's journey from the life of a millionaire with a famous wife and a private jet to the subject of a 15-hour police interrogation is revealed in hundreds of pages of documents reviewed by Bloomberg News. They include court filings in Ghana and a secret transcript of his interrogation by Turkish authorities that also includes the content of police wiretaps and video surveillance of some of the country's most powerful politicians.

Combined with public records on Sarraf's business activities and interviews with key participants, the 126-page transcript and the documents show how a baby-faced immigrant with a middle-school education entered into the highest echelons of Turkish life. At weddings and government events, he mingled with the prime minister and sons of cabinet ministers, cadging favors and signing deals along the way.

## Moving Gold

Sarraf's rise in Turkish society happened as he was pressing against the boundaries of U.S.-led sanctions against Iran, designed to bring the Islamic republic to negotiations over its enrichment of uranium. As western nations ring-fenced Iran's banks, they created a temporary market where gold could be used to pay Iran for its only major export: oil and gas.

That chaotic marketplace created opportunities for men like Sarraf. He used his connections in Iran and Turkey to move almost a metric ton of gold to Iran every day for 1 1/2 years, according to a person familiar with his finances. That quantity was worth more than \$28 billion, according to data compiled by Bloomberg based on the average London price of the metal each month.

It all began to unravel when a mysterious flight took off on a warm New Year's Eve from Accra, Ghana, a year ago. In Turkey, Sarraf was expecting it and its precious cargo, resting on 30 wooden pallets in the hold of the Airbus SAS A300, the transcript says.

## Refueling Stop

The planned destination was Dubai, with a refueling stop in Turkey. When fog forced it to land at an unexpected Turkish airport and customs officials impounded the plane for not declaring its contents, Sarraf made phone calls to highly placed people, the interrogation transcript shows. It took more than two weeks to get the plane freed up in frantic negotiations that were overheard by police.

Sarraf's lawyer, Seyda Yildirim, says her client isn't guilty of the charges against him: bribery, forging official documents, gold-smuggling and running a criminal organization.

"My client is innocent," she said in an interview. "I look forward to proving that in court."

Iran's demand for gold stemmed from a tightening of sanctions in March 2012, when most Iranian banks were cut off from a global electronic cash transfer system called SWIFT. That left the oil producer with two options:

being paid in local currency in overseas accounts or in gold or other precious metals, which would have to be physically transferred to Iran.

## Sanctions Concern

For U.S. lawmakers, including a group of senators who complained to President Barack Obama about this loophole, the gold trade was a run around the sanctions. In mid-2012, the curbs were updated to stop gold transfers to the Iranian government. Private Iranian entities and citizens could still receive gold from overseas while negotiations with Iran continued over its nuclear program.

By that time, Sarraf, the scion of a family that operates a steel company in Iran, had already established himself among Istanbul's elite, especially with his 2010 marriage to one of the country's biggest [pop stars](#).

On the [website](#) of his company, Royal Holding A.S., Sarraf says business offers "many opportunities for those who wish to dive deeper, jump higher and reach the skies." Through flying (he had a private jet), boating (he owned a yacht construction firm) and horse-riding (he owned racehorses, including one named Duty Free) he found his inspiration, the site said.

## Gold Exporter

In 2012, one of his inspirations was gold. Sarraf's gold-trading firm, [Safir Altin Ticaret Ltd.](#), accounted for 46 percent of Turkey's gold exports that year, according to its website. The same year, Turkish precious metal exports, including gold, to Iran jumped more than 100 times, from \$55 million in 2011 to \$6.5 billion in 2012, according to the statistics agency.

Sarraf usually moved his product by physically transporting the gold, asking intermediaries to put it in carry-on luggage on flights to neighboring Iran or on chartered cargo flights, according to the transcript of his interrogation and the person familiar with his finances who asked not to be identified because of the nature of the information being discussed.

For this, he received a 1.7 percent commission, according to the person familiar with his finances. Based on the average price of gold during the transfers, he could have earned as much as \$484 million in the year and a half leading up to June 2013. The next month the sanctions were tightened to prohibit gold exports to private interests.

## No Duties

"This is a person who exports gold," Hurriyet newspaper cited Erdogan as saying during a flight back from Pakistan a week after Sarraf was arrested. "I know he's contributed to the country."

A receptionist who answered the phone at Royal Holding's office in the [Trump Towers](#) in Istanbul referred calls to Yildirim, Sarraf's lawyer.

The gold trade was permitted under the sanctions during the time that Sarraf was operating. Turkey doesn't levy any import or export duties on properly declared gold bullion shipments. Gold made up a portion of how Turkey paid Iran for the \$3.5 billion in natural gas it bought in 2012, the government says.

Six months before that, the plane from Ghana to Turkey began its odyssey. The journey of its yellow, metal cargo is revealed in sheaves of documents filed in a courthouse in Accra and in the evidence collected by Turkish prosecutors.

## Customs Declaration

It began when a Dubai-based company, Master Sara Turizm Import and Export San Tic Ltd., completed a deal on Dec. 31, 2012, to buy 1.5 tons of gold from a Ghanaian company, Omany Gold Mining Ltd.

Omany declared to customs agents that the cargo was 30 packages of mineral samples and recycled raw gold material. Its final destination was the United Arab Emirates, according to the customs declaration. It was to be sold for almost \$65 million, according to an invoice reproduced in the transcript.

The final buyer, Sarraf said in the transcript: an Iranian businessman named Babak Zanjani whose main company is the Sorinet Group. He is also a director of the Malaysia-based First Islamic Investment Bank Ltd., the bank used by the seller.

The [ULS Airlines Ltd.](#) cargo flight from Accra was meant to land at Sabiha Gokcen airport, about an hour's drive from the center of Istanbul, for refueling. Fog at that airport meant the plane was rerouted to Istanbul's Ataturk International Airport, touching ground just before 7 a.m.

## Previous Blacklist

When Turkish customs agents at the airport found the cargo, they [impounded](#) the plane. That threw Sarraf and his associates into chaotic negotiations with Turkish authorities and Zanjani, according to wiretaps of the conversations produced for Sarraf during his interrogation.

Zanjani, First Islamic, and a Sorinet unit had been [blacklisted](#) by the European Union in December 2012 and by the U.S. in April 2013 for what the Department of the Treasury said was laundering billions of dollars on behalf of Iran.

In the taped conversations, Sarraf's employees discussed various options, including using Sarraf's private jet, to get the gold out of the country quickly. Finally, on Jan. 4, 2013, Sarraf told his employees he had sorted things out. He'd called a government minister, and the minister's chief of staff would take care of the situation, he told his employees, according to what police told him was a taped conversation reproduced in the transcript.

## Calling Staff

One employee, referred to as Fatih, seemed unsure.

"Is there anything other than the ministry?" Sarraf asked him, according to the transcript. "I called Mr. Minister - is there anything else to do?"

Sarraf told investigators during the interrogation that he didn't recall most of the conversation. If he called anyone, he said, it would have been Zafer Caglayan, then the economy minister of Turkey.

Investigators told Sarraf that they had evidence that Sarraf had called Caglayan's staff for help. The airport received calls from Caglayan's office asking that the plane be freed, according to a person familiar with the calls. The person asked not to be named because no one was authorized to speak publicly about the incident.

Sarraf had given Caglayan a Patek Philippe watch costing between \$350,000 and \$400,000 and a \$37,000 piano, the person familiar with Sarraf's finances said.

After Sarraf's December arrest, newspapers Taraf and Zaman printed what they said were excerpts from surveillance video and text messages showing a Patek Philippe 5101G wrist watch Caglayan was said to have received from Sarraf. That model retailed for \$370,000 in 2011. Photos from press conferences show Caglayan wearing a similar watch.

## 'Ugly Game'

Caglayan resigned Dec. 25, saying in a statement that he had done so to "spoil this ugly game" and "to allow the facts to come out." Two of Caglayan's advisers said by phone on Jan. 16 that the former minister wouldn't comment about any gifts, asking not to be named because they weren't authorized to speak to the press. They said the charges are part of a setup and a conspiracy.

By Jan. 18, 2013, the plane had taken off for Dubai. On the other hand, Omany, the Ghanaian company, never got paid, according to a civil complaint it filed against Sara Turizm and Vahid Moradi Moghaddam. He was named as the owner of Sara Turizm in the court papers.

Moradi Moghaddam couldn't be located for comment. The address on the court documents led to an empty office in a Dubai building, and the forwarding address was to a different office, for a firm also located in Dubai. A tenant at the office said he hadn't seen any employees for several months.

## Yellow Bricks

Sara Turizm, for its part, claimed that Omany had sold it fake gold. It provided to the Ghana courts in June an analysis of the gold done by Emirates Industrial Laboratory LLC. The "gold" was 99 percent lead for the base, brushed with a patina of 96 percent nickel. In a sample photograph attached to the report, a brick of shiny golden-colored material sits on a table, unmarked except for black lettering.

Peter Bedzrah, the managing director of Omany during the time of the transaction, died in August, Kwaku Adjei-Lartey, a lawyer for Omany, said in an interview. His successors at the company couldn't be reached for comment.

Turkish investigators continued monitoring Sarraf's phone. They listened in as Sarraf complained about getting stuck in traffic, and how he would ask then-Interior Minister Muammer Guler for a police escort so he could use emergency lanes, according to the transcript.

In one conversation shown to Sarraf, he was talking to an employee before a visit by Guler's son, Baris Guler, in April.

## 'Nice Bag'

"I'm coming with the son in a little bit," Sarraf said.

His employee answered. "Ok. I will prepare it all. 800."

"Get a nice bag," Sarraf responded. "We're going to do a consulting contract now, OK, for \$30,000 a month for two years."

Investigators told Sarraf they believed that 800 referred to \$800,000 delivered to Baris Guler as the first installment on a total payment of \$1.5 million. Sarraf responded that he didn't remember who the money was for, or if it was dollars or lira, according to the transcript.

He did remember going to Ankara for the wedding of the son of the then-economy minister, Caglayan, where Sarraf's wife performed. There, he met Erdogan. He also gave Baris Guler a ride back to Istanbul on his private jet, according to the transcript.

## Contract Explanation

His explanation for paying money to Baris Guler, though, differed from the police assertions, as did the amounts. Sarraf explained that he and Baris Guler agreed to a two-year contract for Baris Guler's legal advice and consulting company, [BBS Danismanlik](#), for \$660,000.

Baris Guler has been in jail since Dec. 17. This month a court ruled that he should stay in custody because of "strong evidence pointing toward suspicions of crime," state-run Anatolia news agency reported Jan. 20. His lawyer didn't return several calls to his mobile phone.

Muammer Guler didn't respond to repeated messages left at his parliamentary office or respond to emails.

According to the transcript, Sarraf also asked the Gulers for protection against death threats from a person he didn't name. In one conversation reproduced in the transcript, the interior minister reassured Sarraf.

"Baris told me about that subject," said Muammer Guler. "I am going to warn that guy, be comfortable about that -- there won't be any problem."

"I am going to rip that rude guy's head off, be sure about it," said Guler, according to the transcript.

## Debt Assistance

A week before the wedding, Muammer Guler asked Sarraf for help with a debt owed to his son by a Sarraf business associate, according to the transcript. Sarraf's associate, Ruchan Bayar, had caused Baris Guler \$2.2 million in losses. Sarraf told police during the interrogation that he promised Guler he would act as an intermediary in the matter. Guler later asked Sarraf to pay off the balance himself and he did, the person familiar with his finances said.

There were other transactions, police said. The investigators listed a total of \$400,000 exchanged on two different dates, given to an intermediary sent by Baris Guler, citing physical surveillance.

While Sarraf didn't deny the payment, he said it was for the Bayar matter and disputed the currency. He said that it was 400,000 Turkish liras, worth less than \$200,000.

The transcript also references a total of \$3.5 million given by Sarraf to Guler intermediaries, citing a combination of tape recordings and physical surveillance. In a recording on Oct. 24, Sarraf told one of his own employees to pay Guler's man, Ozgur Ozdemir, \$3 million, according to the transcript.

## 'Yes Father'

The next day, Ozdemir arrived at a Sarraf office near Istanbul's [Grand Bazaar](#) with what police said was an empty suitcase. When he left some time later it was full of what the police said was cash, the officers said in the transcript. Later that day, Sarraf's employees arranged for another \$500,000 for a different Guler intermediary to pick up, police said.

During his interrogation, investigators showed Sarraf a transcript of what they said was the two Gulers speaking to each other after the drop-off by Ozdemir on Oct. 25.

"Did it happen like we said?" asked Muammer, the interior minister.

"Yes, yes father," said Baris.

In response to a question from his interrogators, Sarraf denied the transaction and said he didn't give any money to Baris Guler or Ozdemir.

## Monitoring Concern

Ozdemir couldn't be located for comment. Bayar, the business associate, didn't return several calls made to Baymonte Kiymetli Madenler AS, a precious metals company in Istanbul that lists him as a partner.

In the same conversation, the Gulers expressed concern about being monitored, the transcript shows.

"Maybe there's also someone listening to you," said the interior minister.

"They might also be listening to Ozgur," a reference to Ozdemir, the intermediary, said Baris.

"Don't do stuff like that anymore, definitely," said his father, Muammer Guler.

"Yes, I know," said Baris.

"OK son, OK, I'm going to research it, see who it is," the police record Muammer Guler saying. "Be careful my son. Be careful on the phone, when you're talking to him be careful."

While the charges against Sarraf haven't been made public, they are listed on the first page of the transcript.

## 'Endemic Corruption'

The broad corruption investigation has stalled since police and prosecutors were [fired and reassigned](#) in late December and early this month. A second wave of planned arrests didn't occur after the new police chiefs refused to carry out court orders to arrest people, according to the lead prosecutor, Muammer Akkas. He has since been reassigned as well.

"In some countries we observe petty corruption and in others we observe grand corruption," said Oghuzan Dincer, a Turkish economist at [Illinois State University](#) in the town of Normal who studies corruption, via e-mail. "In Turkey we see both. What we have in Turkey today is endemic corruption."

For all his business in Turkey, Sarraf started elsewhere. His company website says he began in Dubai's finance and money markets in 1996. His Turkish operations started in 2008 with maritime company [Royal Denizcilik AS](#), according to the website.

## 'Dark Days'

At least 11 companies, including Safir, the gold-trading firm, are registered to Sarraf, according to the Turkish Commercial Registry. Because they are privately held, no information on revenue or profit is available.

Sarraf's given name, still used by newspapers in Turkey, is Reza Zarab. He became a Turkish citizen in 2007 and changed his name to Riza Sarraf. Bloomberg News is using his legal name.

Sarraf's movable assets, listed at about \$18 million in the transcript, were frozen, according to the person familiar with his finances. That means he has fallen behind in payments for his private jet, the person said. They have been unfrozen, Haberturk newspaper reported today.

For Gundes, his wife, the experience has been an ordeal, she told her fans during a recent [airing](#) of a Turkish talent show she was judging.

"I'm very shocked and sad," she said as the crowd began shouting her name. "We married loving each other very much. Yes, we're going through very dark days. Hopefully these dark days will pass very quickly."

Before it's here, it's on the Bloomberg Terminal. [LEARN MORE](#)

# **EXHIBIT 6**

## From his Pa. compound, Fethullah Gulen shakes up Turkey



Timothy M. Phelps

Fethullah Gulen, a frail 75-year-old Islamic preacher with a gift for oratory, leads an ascetic life in a 26-acre compound tucked into rolling farmland and woods here, far from the political crisis and international intrigue he is accused of instigating in his native Turkey.

Aides say Gulen stays in a small apartment atop a modern three-story house, one of 10 buildings on the bucolic property. He has gone out the front gate, past the stately oak and cedar trees, only a few times since he moved here in 1999 just ahead of a treason charge back in Turkey.

The recluse enjoys his "quiet and tranquil" refuge in this tiny Pocono Mountains town, where he can "avoid stress and legal harassment" in Turkey, Alp Aslandogan, an informal spokesman, said as he led a tour of the campus-like compound. Back there, he added, are "many people who love him, and many who don't."

One who clearly doesn't is Turkey's prime minister, [Recep Tayyip Erdogan](#), who blames the cleric for the political upheaval that threatens his hold on power. A harsh government crackdown on opponents, including many who follow Gulen's educational and cultural movement, has chilled Erdogan's once warm relations with the [White House](#).

Gulen preaches an unusual mix of Islamic piety and Sufi mysticism, as well as free markets, democracy and religious tolerance. His followers have built a worldwide religious, social and nationalistic movement, known as Hizmet, in his name. They control a network of schools, companies and charities around the globe, including about 120 schools and scores of nonprofit groups in the United States.

From its Pa compound, Fetullah Gulen shakes off Turkey

Gulen's following is especially potent back home. Inspired in part by sermons on his website, his supporters in the Turkish police and judiciary, backed by allies at the country's largest newspaper, are pushing a corruption investigation into Erdogan's inner circle that has sparked a bitter political power struggle.

The wide-ranging inquiry already has caused three Cabinet ministers to resign and led to dozens of arrests. The economy has taken a hit and the lira, the national currency, fell to a record low against the dollar in the last week.

Erdogan, who once embraced Gulen as a close political ally, has launched an escalating series of counterattacks. The government has closed Hizmet schools and fired 2,000 police officers deemed loyal to the cleric. Erdogan also has announced plans to place the appointment of judges, which Gulen allegedly influences, more under government control.

On Thursday, after prosecutors sought to press graft charges against Erdogan's son Bilal, the government removed 20 top prosecutors from their posts. Officials also opened criminal investigations into three prosecutors who have led the corruption inquiry.

Turkish authorities accuse Gulen and his movement of secretly creating an unaccountable "state within a state" that is trying to foment a "judicial coup." His movement denies he is behind the graft inquiry or antigovernment protests in the streets. They insist he supports democratic reform and interfaith dialogue, not violence.

The political strife in a strategic U.S. ally has put the [Obama](#) administration in a difficult position.

Erdogan, who has led the government in Ankara since 2003, was long lauded for turning Turkey into a model of Islamic democracy.

Turkey also is host to Incirlik air base, a key U.S. Air Force installation.

Last May, when Erdogan visited the White House, President Obama stood by his side and told reporters, "I value so much the partnership that I've been able to develop with Prime Minister Erdogan."

The crackdown in Turkey that began in June has upended that relationship. Erdogan has charged that the corruption inquiry is part of a foreign plot to destabilize the nation, and that Washington is complicit with Gulen. Ankara has threatened to expel U.S. Ambassador Francis J. Ricciardone.

The [State Department](#) has sought to avoid inflaming the situation. Spokeswoman Jen Psaki said "we continue to follow the ongoing corruption investigations in Turkey" and the United States "supports the desire of the people of Turkey for a legal system that meets the high standards of fairness, timeliness and transparency."

James Jeffrey, who served as U.S. ambassador to Turkey from 2008 to 2010, is critical of Gulen's role in the political tumult.

Gulen "has a political movement that has infiltrated the police and military and is able to use their government powers to political ends," Jeffrey said. Even if the corruption charges are true, "they are politically motivated and that's wrong."

From its Pennsylvania compound, Fethullah Gulen shakes off Turkey  
Gulen's direct role is difficult to pin down. By all accounts, he does not manage his movement's day-to-day business affairs, devoting himself primarily to prayer and religious study. A short man with a white mustache, he chiefly communicates via his Internet sermons and scores of books he has published.

Unlike the [Ayatollah Ruhollah Khomeini](#), who spent 14 years in exile from Iran before he was swept to power in the Islamic Revolution of 1979, or the Dalai Lama, who has lived in India since fleeing Chinese-controlled Tibet in 1959, Gulen avoids the media and makes few public appearances.

Experts who have studied Hizmet describe it as secretive, partly because it emerged as an opposition force during an era of repressive military rule in Turkey. And his self-imposed exile in the hills of northeastern Pennsylvania has spawned conspiracy theories.

"His movement is very opaque in nature," said Soner Cagaptay, director of the Turkish Research Program at the Washington Institute for Near East Policy. "It flourished as an underground movement in the 1980s and '90s under military rule, and there is a deep-rooted memory of operating in an opaque manner in order to survive. Even those in the U.S. are not entirely transparent."

The Hizmet movement is surprisingly widespread in the U.S., where Gulen has permanent resident status. Hizmet operates nonprofit groups across the country devoted to social services, education and promoting Turkish culture. They include the Pacifica Institute in Los Angeles and six other California cities, and the Niagara Foundation in Chicago, which has branches in eight other states.

The movement also supports more than 120 publicly funded charter schools in about two dozen states.

The U.S. schools do not teach religion, and many are highly regarded academically. But state and federal authorities are investigating Hizmet schools in Ohio, Louisiana, Alabama, Texas and elsewhere for improper use of public funds and for allegedly importing Turkish teachers without proper visas, among other complaints. The inquiries have led to the repayment of public funds in some cases.

Born in eastern Turkey, Gulen is said to have memorized the Koran by age 12. In the 1970s, he developed a following when he began distributing tapes of his sermons, largely based on the Sufi branch of Islam best known in the West for the dervishes who whirl themselves into religious ecstasy.

Soon he opened private schools in Turkey to prepare children of religious Turks for college exams. By the 1990s, his followers had expanded that network into a diversified business empire.

Gulen left Turkey for medical treatment just before he was accused of plotting to overthrow the secular government. He was acquitted after being tried in absentia in 2008, but never returned.

Here in叙尔斯堡, about 85 miles west of New York, about two dozen followers are regular guests at the Gulen compound. The numbers swell to about 100 on Fridays, the Islamic holy day, when the cleric often delivers a sermon.

If not for the Turkish protesters who periodically demonstrate outside the front gate, and the hearty dinner the compound hosts for its neighbors each autumn, the scholar's presence might go unnoticed in the community.

"I've lived here all my life, but I've never seen him," said a 56-year-old woman who resides close to the compound and who declined to give her name. "They tell us that he's here."

Gulen declined an interview request. In a rare interview last year with the Atlantic magazine, he downplayed his influence.

"I don't have a need to promote myself," he said. "I've never sought to be known or recognized by people. I simply share ideas I believe in with people around me.... My core belief is to seek peace in the world, helping people eliminate certain malevolent attitudes through education as much as possible."

ALSO

# **EXHIBIT 7**

EDITION: UNITED STATES

Business Markets World Politics Tech Commentary Breakingviews Money Life



WORLD NEWS | Fri Mar 14, 2014 | 1:59pm EDT

## Leaked documents purport to reveal Turkish graft allegations



Turkey's Prime Minister Tayyip Erdogan addresses the crowd during an opening ceremony of a new metro line in Ankara March 13, 2014. REUTERS/Umit Bektas

An advertisement for Cadillac. It features a white Cadillac CT6 sedan parked on a city street. The Cadillac logo is at the top, followed by the word 'Cadillac'. Below the car, a quote from Motor Trend reads: "THE BRAND'S FUTURE HAS NEVER BEEN CLEARER" - MOTOR TREND. A small image of the car's interior is shown above the text. At the bottom, it says "THE CADILLAC CT6" and has a "EXPLORE &gt;" button.

### TRENDING STORIES

- 1 Clinton presidential campaign hit by FBI email probe 11 days before election
- 2 FBI to review more emails related to Clinton's private email use: letter
- 3 Iran-backed Shi'ite militias to join assault near Mosul on new front

By **Humeyra Pamuk** and **Nick Tattersall** | ISTANBUL

A Twitter account behind a string of leaks in a Turkish corruption scandal has posted what it presented as prosecution files accusing former government ministers of involvement with an Iranian businessman in a bribery and smuggling racket.

The posting late on Thursday is the latest blow to Prime Minister Tayyip Erdogan in a corruption scandal which has grown into one of the biggest challenges of his 11-year rule, and which he says is orchestrated by his political enemies to undermine him weeks ahead of important local elections.

Reuters could not verify the authenticity of the documents.

ADVERTISING



inRead invented by Teads

The Twitter account using the pseudonym @HARAMZADELER333 posted links to two documents, purportedly prepared by prosecutors and based on police files, from a long-running investigation that became public on December 17 with a series of dawn raids.

Former interior minister Muammer Guler, former economy minister Zafer Caglayan and former environment minister Erdogan Bayraktar each saw a son detained in those raids. All three resigned just over a week later.

Former EU minister Egemen Bagis was replaced in a reshuffle.

The former ministers, all named in the documents, have denied any wrongdoing. They could not immediately be reached for further comment on Friday.

The first 299-page dossier contains what it says are wiretap transcripts, surveillance photographs and other documents it cites as evidence of a "criminal organization" facilitating Iranian money transfers via gold smuggling and other forms of trade, including supposedly of food and medicine.

Iranian businessman Reza Zarrab is presented as the ringleader, with three of the former ministers, two of their sons, the former general manager of state-run lender Halkbank and other Turkish officials alleged to have been involved in facilitating his activities.

Zarrab's lawyer Seyda Yildirim said she could not comment because investigations were ongoing. Former Halkbank general manager Suleyman Aslan, also detained on December 17 but released last month, could not be reached. Halkbank, which has repeatedly said its Iran dealings are entirely lawful, declined to comment.

**4** Three in Florida, Virginia charged with criminal voter fraud

**5** In Germany, Syrians find mosques too conservative

## PICTURES

U.S. officials have sought to prevent Turkish gold exports from providing a financial lifeline to Tehran, which has been largely frozen out of the global banking system by Western sanctions over its disputed nuclear program.

Turkey has bought natural gas and oil from Iran through an indirect system whereby Iranian exporters received payment in Halkbank lira accounts and used that money to buy gold. The bulk of that gold is then shipped from Turkey to Dubai, where Iran could import it or sell it for foreign currency.

#### GOLD SMUGGLING

Turkish officials and foreign diplomats have repeatedly said that Turkey's energy and gold trade with Iran does not in itself breach international sanctions or contravene any laws.

But the purported prosecution dossier paints a picture of a network of bribery and smuggling around the trade itself.

In one example in the document, wiretapped phone calls between Zarrab and Caglayan's office are cited as showing how Caglayan intervened on Zarrab's request to prevent the seizure at Istanbul's Ataturk airport of a plane from Ghana carrying 1.5 tonnes of gold bullion without proper documentation.

Halkbank's Aslan is described in the prosecution document as actively involved in advising Zarrab on other ways of handling Iranian payments when the gold trade came under tighter scrutiny.

A commentary on parts of the evidence in the dossier said Guler had aided Zarrab by facilitating Turkish passports for him and his associates and by reassigning a police officer who grew suspicious about Zarrab's activities. Surveillance photographs in the dossier meanwhile purport to show Zarrab's associates delivering a shoebox of cash to Bagis.

Wiretap recordings purportedly of conversations between Zarrab and one of his associates are also cited as evidence that Guler wrote letters of reference to two Chinese banks vouching for Zarrab's activities, after his businesses in China started running into difficulties.

"Soon enough half of the cabinet is going to vouch for us," one of Zarrab's close associates is quoted as saying in the transcript of a telephone conversation.

#### ALSO IN WORLD NEWS

**Iran-backed Shi'ite militias to join assault near Mosul on new front**

**Syrian rebels launch Aleppo counter-attack to break siege**

Former environment minister Bayraktar is named in the second 32-page document, which details separate allegations of corruption in the approval of construction projects in Istanbul. Construction magnate Ali Agaoglu, also named in that dossier, told Reuters he had not read the file and declined to comment.

#### PARLIAMENT TO RECONVENE

Police files on the four ex-ministers were sent to parliament in late February, where a summary would usually be read aloud to deputies. However, the assembly went into recess ahead of March 30 municipal elections period shortly afterwards and the files have been kept under lock and key ever since.



Photos of the week



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Parliament speaker Cemil Cicek, a senior member of Erdogan's AK Party, said parliament would reconvene for an extraordinary session on March 19 after the main opposition party demanded it be recalled to hear the allegations.

Erdogan has cast the graft investigation as a plot to smear him by Islamic cleric Fethullah Gulen, a U.S.-based former ally with influence in Turkey's police and judiciary.

Erdogan's advisers have said Gulen's network illegally tapped thousands of phones, including the prime minister's, over years to blackmail and concoct criminal cases as part of a campaign of covert influence over the state.

Gulen and his followers have denied orchestrating the corruption investigation or conspiring against the government.

The scandal has shown little sign so far of seriously weakening Erdogan ahead of the municipal elections. He remains fiercely popular in the conservative Anatolian heartlands for overseeing a decade of rising prosperity in Turkey, with most of the country's electoral map AK Party orange.

(Humeyra Pamuk reported from Gaziantep; Additional reporting by Daren Butler, Dasha Afanasieva, Ebru Tuncay, Erim Ergin, Can Sezer in Istanbul and Orhan Coskun, Ozge Ozbilgin in Ankara; Writing by Nick Tattersall; editing by Ralph Boulton)

#### NEXT IN WORLD NEWS

##### In Germany, Syrians find mosques too conservative



COLOGNE, Germany Hani Salam escaped civil war in Syria and survived the journey from Egypt to Europe. But when he saw men with bushy long beards at a mosque near his current home in Cologne last November, he was worried.

##### France and Britain feud over young Jungle camp migrants



CALAIS, France Dozens of youngsters woke under the watchful eyes of French riot police on Friday after a chilly night outdoors near the "Jungle" migrant camp in Calais, as Paris and London squabbled over their fate and that of hundreds more bent on getting to Britain.

#### MORE FROM REUTERS

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# **EXHIBIT 8**

# **Filed Under Seal**

# **EXHIBIT 9**



EUROPE

# Turkish Leader Disowns Trials That Helped Him Tame Military

By TIM ARANGO FEB. 26, 2014

ISTANBUL — A series of sensational trials that shook the Turkish military in recent years achieved what many regard as the most important legacy of Prime Minister Recep Tayyip Erdogan's more than a decade in power: sending the army back to its barracks and out of politics.

Now, though, Mr. Erdogan is acknowledging what many legal and forensics experts have long said: that, in a word, the trials were a sham. He has reversed himself not because of any pangs of guilt, analysts say, but for the simple reason that the same prosecutors who targeted the military with fake evidence are now going after him.

One document that was portrayed as laying out the details of a planned coup was discovered by an expert forensics witness to have been written with a version of Microsoft Office that did not exist at the time of the supposed plot. Some of the officers said to have been in the coup-planning meeting were in fact in Israel or England, or out at sea. A pharmaceutical company supposedly set to be taken over by the army after the coup was listed under a name it adopted years later.

Yet all of this — as well as plenty of other dubious evidence — was judged in recent years by a court here as sufficient to convict hundreds of military officers and other officials of conspiracies to overthrow Mr. Erdogan's Islamist-rooted Justice and Development Party, known by its Turkish initials A.K.P.

But now, as a sweeping corruption investigation focuses on Mr. Erdogan and his inner circle, a centerpiece of his strategy to survive politically is to discredit those military trials. The most sensational allegation from the inquiry emerged late Monday night in the form of a leaked telephone call that appeared on YouTube and purported to detail a conversation in which Mr. Erdogan, worried about the unfolding investigation, instructed his son to hide tens of millions of dollars. Another tape was leaked Wednesday night that purported to reveal a conversation in which Mr. Erdogan told his son to hold out for more money that was being offered in a business deal.

In an assertion reminiscent of the many denials over the years by the officers and their lawyers, Mr. Erdogan's office released a statement saying that the recordings released on Monday were "a product of an immoral montage that is completely false."

Many of the prosecutors and investigators in both cases — the corruption inquiry and the old military trials — are followers of Fethullah Gulen, an Islamic preacher who lives in exile in Pennsylvania. The adherents in his network were once partners in Mr. Erdogan's governing coalition, but the government now considers them a "parallel state" to be rooted out through purges of the police and the judiciary.

A top adviser to Mr. Erdogan, Yalcin Akdogan, who is known to speak for the prime minister, has called those military cases a "plot against their own country's national army," which is now being replicated in the corruption investigation against the government. A government watchdog recently issued a report that determined that some of the evidence against the military was manipulated.

More remarkably, one of the judges involved in the trials, Koksal Sengun, recently said that he had never read all the indictments, and that if he had he would never have accepted them as legitimate. "I would have rejected the indictment for many reasons now," he said in an interview with the Turkish news website T24.

Recently, under pressure from the government, Turkish lawmakers voted to abolish the special courts in which the officers were tried, a significant step toward new trials. Variations of these courts, set up under antiterrorism laws, have been in

place in Turkey since the 1970s. They operate under special rules that allow secret witnesses and wiretaps that would not be admissible in regular courts.

That makes them vulnerable to manipulation for political ends, legal analysts say. “The courts are specially designed for the government to use the judicial forces against opponents,” said Metin Feyzioglu, the head of Turkey’s bar association. “They managed to get the military out of politics,” but “that was not the right way to do it.”

The reassessment of the evidence that supported the military trials is putting new light on what has been hailed, here and abroad, as Mr. Erdogan’s most important achievement: securing civilian control over the military. The way it was done, however, is now increasingly viewed as an act of revenge by Turkey’s Islamists against their former oppressors in the military, once the guardians of the secular tradition laid down by Mustafa Kemal Ataturk, the founder of modern Turkey.

After rising to power in 2002, the Islamists were always on guard for conspiracies against them, and for good reason: The military carried out three coups in the previous century.

With that history in mind, the Islamists were determined to diminish the military’s role in Turkish politics.

In 2005, years before the trials, a man affiliated with the Gulen movement approached Eric S. Edelman, then the American ambassador, at a party in Istanbul and handed him an envelope containing a handwritten document that supposedly laid out a plan for an imminent coup. But as Mr. Edelman recounted, he gave the documents to his colleagues and they were determined to be forgeries.

For the officers in prison, and their families and lawyers, the turn of events has created the tantalizing possibility of new trials and, ultimately perhaps, exoneration. But they are proceeding with caution, saying that they do not fully trust the intentions of Mr. Erdogan and that he was complicit all along, having embraced the trials as an important part of his agenda.

Turkish Leader Disowns Trials That Helped Him Tame Military | The New York Times

“At the end of the day, this is an opportunity for us,” said Nil Kutluk, the daughter of a navy admiral who is in prison. “Don’t get me wrong: I don’t think that the corruption allegations should be covered up. But personally there is nothing more important for me than my father and other innocent people getting out as soon as possible. We are talking about people in their 60s who are losing days of their lives behind bars.”

On a recent afternoon, stacks of red, blue and green binders that detail some of this questionable evidence were piled high on a conference table in the office of Celal Ulgen, a lawyer who represents several of those convicted in the military trials, including Cetin Dogan, a former army general who was said to be the ringleader of the coup plot.

“I don’t have hope,” Mr. Ulgen said. “I’m just doing my job. Every time I’ve done this in the past it’s been like playing a game of table tennis against the wall. It just keeps coming back.”

He said he would submit the binders to a court in Istanbul as part of a new effort to gain retrials for his clients and hundreds of others.

The sprawling investigations and court cases against the military officers and other members of Turkey’s old secular elite were largely divided in two. One was called Sledgehammer, a reference to the code-name of the supposed coup plot, while the other was called Ergenekon, named for what was said to be a shadowy “deep state” organization that carried out conspiracies in the name of protecting secularism.

Jared Genser, a human rights lawyer in Washington who has taken on the military defendants’ case pro bono, and whose filing to the United Nations resulted in a determination that the officers were being detained in violation of international law, said: “In the case of Sledgehammer, both the Gulenists and the A.K.P. were on the same page. Of course, Erdogan knew about it and was complicit.”

Moreover, the trials came to define Mr. Erdogan’s power, and what many critics regard as his recent authoritarian turn.

“These cases, Ergenekon and Sledgehammer, are the two pillars of Erdogan’s now autocratic system,” said Selim Yavuz, a lawyer who represents his father, a former army general who was convicted and imprisoned in Sledgehammer. “People saw if he could do this to the army, he could do it to anyone. Now he is seen as the almighty.”

In now moving to discredit some of the evidence, Mr. Erdogan’s government is walking a tightrope, clinging to its record of democratizing the country and removing the military from politics, while putting distance between itself and the tactics employed to do so.

Whether the corruption charges are justified or not — there has been plenty of leaked evidence, especially wiretapped conversations, that appears incriminating — the corruption probe has laid bare the influence of the Gulen movement within the Turkish state, which had largely been suspected but hard to prove.

When the corruption investigation went public, Gareth Jenkins, a longtime writer and analyst in Turkey, said he noticed several similarities in tactics to the investigation of the military, and listed them: the same prosecutors, the use of simultaneous dawn raids on the homes and offices of suspects, an immediate defamation campaign in the Gulen-affiliated news media, and the leaks of wiretapped conversations.

“As soon as you saw these characteristics you thought, ‘This is the same group of people doing it,’ ” Mr. Jenkins said.

Dani Rodrik, an economist at the Institute for Advanced Study in Princeton, N.J., and a son-in-law of Mr. Dogan, the jailed general, wrote a book on the case with his wife, Pinar Dogan, that detailed many of the inconsistencies in the trial evidence. He said the cases will inevitably force a reassessment of Mr. Erdogan’s record, even as he sees Mr. Erdogan as the lesser of two evils and believes, now that the government has disavowed the cases, that the convictions will ultimately be reversed.

“They substantially weakened the military politically and empowered a mafia within the state,” Mr. Rodrik said. “That’s their record.”

Ceylan Yeginer and Sebnem Arsu contributed reporting.

A version of this article appears in print on February 27, 2014, on page A1 of the New York edition with the headline: Turkish Leader Disowns a Part of His Legacy.

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# **EXHIBIT 10**

## Here is the brief of treason

Entered on: 16.1.2015 09:55

It was discovered that the Parallel Organization that pushed the button to overthrow the government on December 17 did not write the operation's brief using Police's computers. And the new directors, realizing the trap from the very first pages, did not sign the brief.

It was discovered that the cells of parallel organization in the police and judiciary that attempted the December 17 coup did not prepare the brief using police's computers. The Financial Crimes Branch Director who realized the trap did not sign the brief which spoiled all plants of the parallel organization.

Dark sides of December 17 operation, which the Parallel Organization planned for overthrowing the government, are being revealed one by one. It was discovered that the brief of operation was not written using the police's computers. Police officers of the parallel organization hastily tried to have the newly appointed directors sign the brief, each page of which was full of illegal aspects. Hakan Sıralı, Director of Financial Crimes Branch, and his Deputy Arzum Nazman did not sign the brief. Parallel police chiefs who kept a report upon that fell into their own trap because in that report they recorded that they prepared everything 1 year ago, and even completed the brief though that operation was just started. As the two police chiefs abstain from signing, Prosecutor Celal Kara put pressure on them.

### DIRECTORS DID NOT FALL INTO THE TRAP

The fraudulent operation was evidenced with own reports of parallel police officers. During December 17, many people were detained, and the testimony procedures could not be completed even the detention periods expired. Following reassignments by Istanbul Police Department, Yakup Saygılı was removed from his office, and Hakan Sıralı was appointed instead of him as the branch director, with Arzum Nazman being appointed as the deputy director. The fraudulent brief prepared by the parallel police officers was brought to said police directors to make them sign it. Mr. Sıralı and Ms. Nazman who realized the fraud from the very first pages did not sign.

### RAID IN THE MORNING BY ZEKERİYA ÖZ

Following the operation in Financial Crimes Directorate, Zekeriya Öz made a raid on the Police Officers in the Police Department on December 19. It was revealed that Öz, who made statements to the newspapers saying that the questions were tried to be changed, made another raid on the Financial Crimes Branch in the morning. Öz who came to Financial Crimes Branch in the morning was seen, in the security cam recording, to push the doors open and enter into room of Police Director Hakan Sıralı and Deputy Director Nazman.

### I already have a copy

Celal Kara called Financial Crimes Branch Director Hakan Sıralı, asking him to urgently sign the brief and send it to him. "Send it unsigned. I already have a copy" Kara said when Sıralı stated that the brief was incomplete and had not been reviewed. It was revealed that the brief which was prepared before completion of testimony procedures of children of ministers who were detained was sent to Kara before the operation.



THEY GAVE THEMSELVES UP

As the fraudulent brief of 504 pages prepared by the parallel organization was not signed, Police Chief Superintendent Mehmet Akif Üner, Police Superintendent Hüseyin Korkman and Police Officer Hakan Ürkmez, who are known to be the key names in the operation, prepared a report about it. With that report, the parallel organization revealed its own conspiracy. In their report, parallel organization's police officers revealed that they had already described the crime and worked on it before starting the investigation. (**Akşam**)

I the undersigned hereby certify document handed over to me in original (Photocopy / fax) TR, language has been translated to EN 6 in full and correct manner.

REGISTERED TRANSLATOR

**H.Özmen SALTİK**

# **EXHIBIT 11**

## Turkey frees cabinet ministers' sons - BBC News

- 28 February 2014



AFP

Image caption Azeri businessman Reza Zarrab is suspected of murky deals involving Iran  
The Turkish authorities have freed the sons of two former cabinet ministers pending trial, the latest twist in a major corruption investigation.

Baris Guler and Kaan Caglayan, arrested in December, were among dozens of people held in an investigation into bribery relating to public tenders.

The inquiry enraged Prime Minister Recep Tayyip Erdogan, who saw it as a "plot" against him.

He responded with a purge of top police and judicial officials.

An Azeri businessman of Iranian origin, Reza Zarrab, was also released on Friday.

### Cash in shoeboxes

The son of a third cabinet minister was also arrested in December, but was soon released.

The three ministers - Environment Minister Erdogan Bayraktar, Economy Minister Zafer Caglayan and Interior Minister Muammer Guler - resigned in December as the police investigation intensified.

All three denied any wrongdoing.

Police are investigating allegations of illicit money transfers to Iran and bribery for construction projects.

Earlier this month Suleyman Aslan, the former chief executive of Halkbank, was also released.

He is suspected of money-laundering in connection with the alleged bribery. When they searched his home police found \$4.5m (£2.7m; 3.2m euros) in cash hidden in shoeboxes.

Mr Erdogan and his supporters in the ruling Islamist-rooted AK Party see the investigation as a plot masterminded by Fethullah Gulen, an Islamist cleric based in the US.

Mr Gulen denies any such plot. His Hizmet movement is believed to have influential followers in Turkey's judiciary and other state institutions.

# **EXHIBIT 12**

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# FINANCIAL TIMES

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## Turkey

### Turkish prosecutor drops high-level corruption probe

Allegations pitted Recep Tayyip Erdogan against his government's Gulenist opponents



*Turkey's president, Recep Tayyip Erdogan*

OCTOBER 18, 2014 11:29 AM

by: **Daniel Dombey** in Istanbul

A prosecutor has wound up a corruption investigation that shook Turkey's government last year and set the stage for an epic political fight between President Recep Tayyip Erdogan and his opponents.

Ekrem Aydiner, an Istanbul prosecutor specialising in organised crime, dropped proceedings against 53 suspects in a case that had put Mr Erdogan's inner circle under the spotlight. It included claims of bribery, irregular gold exports worth billions of dollars and stashes of cash.

The decision follows wholesale replacement of police (<http://next.ft.com/content/027ec282-117f-11e4-b356-00144feabdco>), prosecutors and judges, with thousands of officials shifted this year.

“This is a clear sign that the government is controlling the judiciary,” said Koray Caliskan, a political scientist at Istanbul’s Bogazici University. “The government did not even try to defend the corruption charges; instead it just said to the public that there had been no wrongdoing.”

But Mr Erdogan’s supporters say he has delivered Turkey (<http://www.ft.com/topics/places/Turkey>) from a “parallel state” – a reference to the movement of Fethullah Gulen, a preacher and former Erdogan ally. Mr Gulen’s followers were widespread in police and judiciary, and involved in some of the most controversial cases in the country’s recent history.

Proponents of the case said it revealed a culture of corruption. Mr Erdogan, prime minister at the time, denounced it as a virtual coup attempt by the [Gulenists \(<http://next.ft.com/content/0e7a3854-cc98-11e3-ab99-00144feabdco>\)](http://next.ft.com/content/0e7a3854-cc98-11e3-ab99-00144feabdco).

Last weekend government-backed candidates roundly defeated Gulenist-affiliated ones in elections to the body that regulates the country’s judiciary.

**The Big Read: Turkey: In the line of fire** (<http://next.ft.com/content/9dea0f12-5494-11e4-bac2-00144feab7de>)

The corruption investigation, which exploded on the Turkish political scene on December 17 last year, led later that month to the resignation of four cabinet ministers, three of whose sons were detained amid allegations of bribe taking and – in one instance – the discovery of a large amount of cash.

High-profile business executives close to the ruling AK party were also taken in by the police. One of those detained was Suleyman Aslan, then head of the state-controlled Halkbank, in whose house \$4.5m of cash was discovered in shoe boxes – his lawyer said the money was intended as charitable donations for schools. Another was Reza Zarrab, a Turkish Iranian, who denied allegations that he had bribed officials to smooth the way for billions of dollars of gold exports to Iran.

Islamist militants, Kurdish unrest and demands from the US to take a greater role in the fight against Isis: can Erdogan withstand the pressure?

[Continue reading \(<http://next.ft.com/content/9dea0f12-5494-11e4-bac2-00144feab7de>\)](http://next.ft.com/content/9dea0f12-5494-11e4-bac2-00144feab7de)

[4-bac2-00144feab7de](#)

The investigation was quickly derailed by the personnel changes – although an even wider series of allegations was then spread by anonymous leaks

to the internet, including voice recordings of Mr Erdogan that the government said had been altered to appear incriminating.

A follow-up investigation, unveiled on December 25 involving Mr Erdogan's son, was dropped by prosecutors in September, after government ministers complained of concocted charges.

Detainees were also released in two high-profile coup cases known as Ergenekon and Sledgehammer, both of which had been championed by the Gulenists, after years in which defendants and outside experts had complained of clearly fabricated evidence and flawed legal procedures.

Mr Erdogan's AK party triumphed in local elections in March, which he depicted as a referendum on his fight against the Gulenists and in August he won the country's first direct presidential election.

He has also continued a campaign against a Gulenist affiliated bank, Bank Asya, which he has described as "bankrupt" despite the bank's protestations that it is solvent, while a Gulenist charity "Isn't Anyone There?" was recently deprived by the government of its right to collect donations.

On Saturday, the pro-government Daily Sabah newspaper quoted Huseyin Gulerce, a prominent former Gulenist, as saying that the December 25 case was an "all out attack" on the government, that the cases did not really concern bribery and corruption and that Mr Erdogan was not authoritarian.

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# **EXHIBIT 13**

## NewsRoom

10/17/14 Reuters News 17:55:38

Reuters News  
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October 17, 2014

UPDATE 1-Turkey drops corruption case that dogged government -reports

Daren Butler

Robin Pomeroy

ISTANBUL, Oct 17 (Reuters) - Turkish prosecutors have dropped a corruption case against 53 suspects, among them two former minister's sons, drawing a line under a scandal that dogged now-President Tayyip Erdogan's inner circle for months, media said on Friday.

The scandal posed one of the biggest challenges to Erdogan's 11-year rule as prime minister, leading three members of his cabinet to quit and drawing international criticism for his response - tightening Internet controls and reassigning police, judges and prosecutors.

Istanbul prosecutors ruled that there was no case to answer as evidence had not been collected appropriately, there was no evidence of a crime and no criminal gang was uncovered, broadcaster CNN Turk reported.

Officials from the prosecutors office were not available to comment.

In May a Turkish court lifted a travel ban on one of the suspects, Iranian businessman Reza Zarab, in what was seen as a sign that the investigation was running out of steam.

Among the other suspects in the case were sons of former Interior Minister Muammer Guler and former Economy Minister Zafer Caglayan.

A police report leaked earlier this year presented Zarab as the ringleader of a group which allegedly helped Iran to exploit a loophole in the West's sanctions regime that for a time allowed the Islamic Republic to purchase gold with oil and gas revenues. [ID:nL3N0NK2W1]

The report alleged bribes were paid to Turkey's then economy minister, interior minister and European Union affairs minister as well as the chief executive of state-controlled lender Halkbank.

All three ministers, who subsequently resigned or were dropped from the cabinet, denied wrongdoing and were not charged. Halkbank has denied violating any domestic or international laws.

Despite the controversy, Erdogan's ruling AK Party swept to victory in local elections at the end of March that were seen as a referendum on his rule, and prosecutors have dismissed other corruption cases in the affair. [ID:nL6N0NO1PD]

Erdogan subsequently won the country's first direct election for president in August.

He cast the graft probe as an attempted "judicial coup", a plot to unseat him devoid of legal merit and said it had been orchestrated by U.S.-based Islamic preacher Fethullah Gulen, a former ally with influence in the police and judiciary. Gulen denied involvement.

Thousands of police officers and hundreds of members of the judiciary have been reassigned since the scandal, with several prosecutors removed from the corruption case.

\* Ruling buries scandal that targeted Erdogan's inner circle

\* Other corruption cases already dropped

\* Erdogan went on to triumph in local, president elections

(Writing by Daren Butler; Editing by Robin Pomeroy)

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---- Index References ----

Company: HALKBANK AD SKOPJE

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Industry: (Homeland Security (1HO11))

Region: (Europe (1EU83); Asia (1AS61); Turkey (1TU06); Eastern Europe (1EA48); Middle East (1MI23); Western Asia (1WE54))

Language: EN

Other Indexing: (Reza Zarrab; Zafer Caglayan; Fethullah Gulen; Muammer Guler; Tayyip Erdogan)

Keywords: TURKEY CORRUPTION

Word Count: 447

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**NewsRoom**

# **EXHIBIT 14**

**REPUBLIC OF TURKEY  
ISTANBUL  
6<sup>th</sup> CRIMINAL COURT OF PEACE**

**MISCELLANEOUS CASE DECISION**

**MISCELLANEOUS CASE NO** : 2014/3162 Misc. Case (2014/3162 D.İş)

**JUDGE** : FEVZİ KELEŞ 40140

**CLERK** : ULAŞ TAMSAN 128512

WHEREAS Orhan İnce, İzzettin Çelik, Şaban Saimler, Sema Bayraktar, Ayşe Tosun, Tülay Cengiz, Ayla Tokmak, Meltem Ayran, Atif Aydın, Bar of Muğla, Hüseyin Öztürk, Sevil Turan, Cüneyt Akaltın, Şemime Azazi, Arif Ali Cangı, Banu Dalgıç Cangı, Mehmet Yıldırım Aycan, Bahtiyar Alkan, Ercan Demir, Bar of Izmir, Mahmut Tanal, Meryem Cemre Okandal, Nedime Okandal, Turhan Okandal, Ali Uysal, Fatma Saadet Bilir, Kahraman Bolat, Mehmet Nurettin Oğuz, Ali Sarızayı, Mehmet Salıcı, Mesude Aslan, Ayşe Kuru, Filiz Ayaz, Suna Kılıççı, Münevver Özgenç, Serdar Erkan, Tülay Gülbaba Kahraman, Sevgi Önal, Gülistan Evran, Veli Sağ, Sabahat Hülya Ölçer, People's Liberation Party's attorneys objected to Istanbul Chief Public Prosecutor's Office – Terror and Organized Crimes Investigation Bureau's Decision of Non-prosecution dated 16/10/2014, with Investigation No. 2012/120653 and Decision No. 2014/69582.

NOW THEREFORE, the investigation file was examined.

**CONSIDERED:**

In Istanbul Chief Public Prosecutor's Office – Terror and Organized Crimes Investigation Bureau's Decision of Non-prosecution dated 16/10/2014, with Investigation No. 2012/120653 and Decision No. 2014/69582, it has been understood that an investigation was carried out against 53 suspects on behalf of public, as a result of which investigation, a decision of non-prosecution with such number and date mentioned was issued for all suspects.

It has been understood that the persons whose names are listed here above and their attorneys filed an objection against the decision of non-prosecution on grounds that said decision was against the procedure and law.

It has been understood that Orhan İnce, one of the objectors, was acting as police director on the date of offense, and gave testimony as complainant under the file, while the rest of objectors are police officers who performed duties under the whole file or partially during the investigation, as well as individuals or entities who were not affected from the file and who had no capacity to get involved in the file as parties.

Any objections to be raised against decision of non-prosecution issued by Chief Public Prosecutor are regulated under Article 173 of Code of Criminal Procedures No.5271. Article173/1 of Code of Criminal Procedures reads "Within 15 days upon receipt of the decision of non-prosecution, those who are affected from offense may file an objection with the criminal court of peace under the jurisdiction of high criminal court that has jurisdiction over the Public Prosecutor who issued that decision." Under the article, the right to objection is granted to the complainant who originally suffered from the offense or, in absentia of any complainants, to the High Criminal Court which has jurisdiction over the Chief Public Prosecutor who issued the decision. And nobody else legally has the right to file an objection.

In the case in question, it has been understood that one of the objectors is a police officer whose testimony was received as complainant while the others are police officers that performed duties under the investigation, completely or partially, as well as individuals or entities who were not affected from the file, and who had no capacity to get involved in the file as parties within the meaning of Article 173/1 of Code of Criminal Procedures and therefore such persons except for Orhan İnce have no right to object to the decision issued.

1 of 2

This document which is available in UYAP Information System can be accessed at <http://vatandas.uyap.gov.tr> using following code: L71ixat -PPg9gbs - pjtGovY- thglmQ=

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**H.Özmen SALTİK**

REPUBLIC OF TURKEY 6<sup>th</sup> CRIMINAL COURT OF PEACE

Misc. Case No: 2014/3162 Misc.Case

As explained, though it has been understood that the individual and entities other than Orhan İnce have no right to object, and Orhan İnce had a testimony under the file in the capacity of complainant, it has also been understood that what Orhan İnce objected to do not involve the entire file so the file needs to be examined partially for the parts involving Orhan İnce. In his testimony and objection petition, the Complainant Orhan İnce complained about Rıza Sarraf, Bariş Güler and Muammer Güler, who are named as suspects under the file, claiming that said people caused him to be appointed to other provinces out of Istanbul, and then dismissed from office. First of all, it is evident that as Muammer Güler is a member of parliament, the investigation file involving him was referred to Turkish Grand National Assembly's Parliamentary Investigation Commission, and the Public Prosecutor's Office has no jurisdiction thereon, and thus it is not legally possible to make any assessments regarding Muammer Güler. In the assessment of the complaint regarding other two suspects Rıza Sarraf and Bariş Güler, it is seen that none of said suspects had any power to appoint Orhan İnce or dismiss Orhan İnce from office. Now therefore, as there is no criminal conduct which can be legally attributed to both suspects, the decision of non-prosecution is in accordance with the procedures and the law.

In consideration of the reasons explained here above, it is believed that the objection should be dismissed due to procedural aspects, without considering the merits of case, as the objectors other than Orhan İnce has no right to object under Article 173/1 of Code of Criminal Procedures; and the objection should be dismissed on merits as Public Prosecutor Office's decision of non-prosecution is found to be in accordance with the procedures and the law as result of assessment of the objection of Orhan İnce in terms of the parts involving Orhan İnce, as well as other demands under the file should be dismissed on such grounds as explained. Now therefore, the following judgment was made.

**JUDGMENT: In consideration of the reasons explained here above, and upon examination of the file, FINALLY ORDERED AND ADJUDGED:**

**TO DISMISS ON PROCEDURAL GROUNDS**, without considering the merits, all objections, except for the objection filed by Orhan İnce, as the examination of the file and objection petition revealed that there is validly filed objection, except for that of Orhan İnce, against Istanbul Chief Public Prosecutor's Office – Terror and Organized Crimes Investigation Bureau's Decision of Non-prosecution dated 16/10/2014, with Investigation No. 2012/120653 and Decision No. 2014/69582 pursuant to Article 173/1 of Code of Criminal Procedures;

**TO DISMISS ON MERITS** the objection filed by Complainant Orhan İnce as Istanbul Chief Public Prosecutor's Office – Terror and Organized Crimes Investigation Bureau's decision is found to be in accordance with the procedures and the law as result of assessment of the objection of Orhan İnce which was limited to such parts which involved Orhan İnce;

**TO DISMISS** other claims under the file as such claims were not found to be in accordance with the procedural rules and the law;

**TO SERVE** the decision to the objectors;

**TO RETURN** the file to Istanbul Chief Public Prosecutor's Office.

This 15/12/2014.

**Clerk 128512**

**e-signature**

**Judge 40140**

**e-signature**

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**H.Özmen SALTİK**

T.C.

## İSTANBUL

**6. SULH CEZA HÂKİMLİĞİ  
KARAR****DEĞİŞİK İŞ****DEĞİŞİK İŞ NO****: 2014/3162 D.İş****HAKİM****: FEVZİ KELEŞ 40140****KATİP****: ULAŞ TAMSAN 128512**

İstanbul Cumhuriyet Başsavcılığı Terör ve Örgütlü Suçlar Soruşturma Bürosu'nun 16/10/2014 tarih 2012/120653 Soruşturma ve 2014/69582 karar sayılı Kovoşтурmaya Yer Olmadığına Dair Kararına Orhan İnce, İzzettin Çelik, Şaban Saimler, Sema Bayraktar, Ayşe Tosun, Tülay Cengiz, Ayla Tokmak, Meltem Ayran, Atif Aydin, Muğla Barosu Başkanlığı, Hüseyin Öztürk, Sevil Turan, Cüneyt Akaltın, Şemime Azazi, Arif Ali Cangı, Banu Dalgıç Cangı, Mehmet Yıldırım Aycan, Bahtiyar Alkan, Ercan Demir, İzmir Barosu Başkanlığı, Mahmut Tanal, Meryem Cemre Okandal, Nedime Okandal, Turhan Okandal, Ali Uysal, Fatma Saadet Bilir, Kahraman Bolat, Mehmet Nurettin Oğuz, Ali Sarızayım, Mehmet Salıcı, Mesude Aslan, Ayşe Kuru, Filiz Ayaz, Suna Kılıççı, Münevver Özgenç, Serdar Erkan, Tülay Gülbaba Kahraman, Sevgi Önal, Gülistan Evran, Veli Sağ, Sabahat Hülya Ölçer, Halkın Kurtuluşu Partisi Vekilleri tarafından itiraz etmiş olmakla,

Soruşturma dosyası incelendi.

**GEREĞİ DÜŞÜNÜLDÜ:**

İstanbul Cumhuriyet Başsavcılığı Terör ve Örgütlü Suçlar Soruşturma Bürosu'nun 16/10/2014 tarih 2012/120653 Soruşturma ve 2014/69582 karar sayılı kararında 53 şüpheli hakkında kamu adına soruşturma yürütüldüğü, yapılan soruşturma neticesinde yukarıda bahsedilen tarih ve no ile tüm şüpheliler hakkında ayrı ayrı kovoşтурmaya yer olmadığına dair karar verildiği görülmüştür.

Yukarıda isimleri ayrıntılı olarak yazılı olan kişiler ve vekilleri tarafından verilen kovoşтурmaya yer olmadığına dair karara usul ve yasaya uygun olmadığı gerekçesi ile itiraz edildiği görülmüştür.

İtiraz eden kişilerden Orhan İnce'nin suç tarihinde emniyet müdürü olarak görev yaptığı, dosyada müşteki sıfatı ile ifadesinin alındığı ,diğerlerinin ise dosyanın tamamında ya da kısmen soruşturma esnasında görev yapan kolluk görevlileri ile dosyanın mağduru olmayan kişi yada kuruluşlar oldukları, dosya kapsamında taraf sıfatlarının bulunmadığı anlaşılmıştır.

Kovoşтурmaya yer olmadığına dair Cumhuriyet Savcısının kararına karşı yapılacak itiraz 5271 Sayılı CMK.ının 173. maddesinde düzenlenmiştir. CMK.ının 173/1. maddesinde; "Suçtan zarar gören kovoşтурmaya yer olmadığına dair kararın kendisine tebliğ edildiği tarihten itibaren 15 gün içinde, bu kararı veren Cumhuriyet savcısının yargı çevresinde görev yaptığı ağır ceza mahkemesinin bulunduğu yerdeki sulh ceza hâkimliğine itiraz edebilir." denmiştir. Madde itiraz hakkını esasta suçtan zarar gören şikayetçiye ve şikayetçisi bulunmayan hallerde karar veren Cumhuriyet Savcısının bağlı olduğu Ağır Ceza Mahkemesi nezdindeki Cumhuriyet Başsavcısına vermiş bulunmaktadır. Bunun dışında yasal olarak karara karşı itiraz hakkı başkalarına tanınmamıştır.

Somut olayda Cumhuriyet Savcısının kararına itiraz eden kişilerden birinin dosyada şikayetçi sıfatıyla ifadesi alınan emniyet görevlisi olduğu , diğerlerinin ise soruşturmadada tamamen ya da kısmen görev yapmış kolluk görevlileri ile dosyanın mağduru olmayan kişi

yada kuruluşlar oldukları, bu kişilerin CMK'nın 173/1 maddesi anlamında suçtan doğrudan zarar gören kişiler olmadıkları, bu nedenle de Orhan İnce dışındaki kişilerin verilen karara karşı itiraz hakkı bulunan kişilerden olmadıkları görülmektedir.

Açıklandığı üzere Orhan İnce dışındaki kişi yada kuruluşların itiraz haklarının bulunmadığı, Orhan İnce'nin dosyada müşteki olarak ifadesinin bulunduğu anlaşılmakta ise de Orhan İnce'nin şikayetçi olduğu konunun dosyanın tamamına dair olmadığı anlaşılmakla dosyanın Orhan İnce yönünden sadece kendisine ilişkin kısmı ile incelenmesi gerekmektedir. Müşteki Orhan İnce şikayet ve itiraz dilekçelerinde dosyada şüpheli olarak isimleri geçen Rıza Sarraf, Barış Güler ve Muammer Güler hakkında önce tayinini İstanbul dışındaki illere çıkartıkları akabinde de meslekten ihraç edildiği gereçesi ile şikayetçi olmuştur. Öncelikle Muammer Güler'in milletvekili olması nedeniyle hakkındaki soruşturma dosyası Türkiye Büyük Millet Meclisi Meclis Soruşturma Komisyonuna gönderildiği, bu hususta Cumhuriyet Savcılığının soruşturma yetkisinin bulunmadığı, böylelikle de Muammer Güler bakımından herhangi bir değerlendirme yapılmasının hukuken mümkün olmadığı açıklar. Diğer iki şüpheli Rıza Sarraf ve Barış Güler hakkındaki şikayetin değerlendirilmesinde her iki şüphelinin de müşteki Orhan İnce'nin tayin edilmesi yada meslekten ihraç edilmesi olayında herhangi bir yetkilerinin bulunmadığı görülmektedir. Bu durumda her iki şüpheli hakkında da hukuken atfedilemeyecek suç teşkil eden bir eylem bulunmadığı yönündeki kovuşturmaya yer olmadığına dair karar usul ve yasaya uygundur.

Yukarıda açıklanan nedenlerle, itirazda bulunan kişilerden Orhan İnce dışındakilerin CMK 173/1 maddesi kapsamında itirazda bulunabilecek kişilerden olmadıkları anlaşıldığından itirazın esasına girilmeden usul yönünden reddine, müşteki Orhan İnce'nin itirazının kendisine ilişkin kısım bakımından incelenmesi sonucunda Cumhuriyet Savcılığı tarafından verilen kovuşturmaya yer olmadığına dair kararın usul ve yasaya uygun bulunduğu anlaşılmakla esas yönünden reddine, dosyada bulunan diğer taleplerin açıklanan nedenlerle reddine karar vermek gereği kanaati ile aşağıdaki hüküm kurulmuştur.

**HÜKÜM: Yukarıda açıklanan nedenlerle;**

Dosyanın ve itiraz dilekçelerinin incelenmesinde İstanbul Cumhuriyet Başsavcılığı Terör ve Örgütlü Suçlar Soruşturma Bürosu'nun 16/10/2014 tarih 2012/120653 Soruşturma ve 2014/69582 karar sayılı Kovuşturmaya Yer Olmadığına Dair Kararına müşteki Orhan İnce dışında CMK 173/1 maddesindeki İtiraza Hakkı Bulunan Kişiler Tarafından yapılmış bir itiraz bulunmadığından yapılan tüm itirazların bu kişiler bakımından esasına girilmeden **USUL YÖNÜNDEN REDDİNE**,

Müşteki Orhan İnce'nin yapmış olduğu itirazın yukarıda belirtildiği üzere bu müştekiye ilişkin kısım ile sınırlı olmak üzere yapılan değerlendirme sonucunda İstanbul Cumhuriyet Başsavcılığı Terör ve Örgütlü Suçlar Soruşturma Bürosunun kararı usul ve yasaya uygun bulunduğu anlaşıldığından **İTİRAZININ ESAS YÖNÜNDEN REDDİNE**,

Dosyadaki diğer taleplerin usul ve yasaya uygun bulunmadığı anlaşılmakla **REDDİNE**,

Kararın mahallince itiraz edenlere **TEBLİĞİNE**,

Dosyanın İstanbul Cumhuriyet Başsavcılığı'na **İADESİNE**,

Dosya üzerinde yapılan inceleme sonucu kesin olarak karar verildi. 15/12/2014

**Katip 128512**

e-imza

**Hakim 40140**

e-imza

# **EXHIBIT 15**

**EKSPRES TERCÜME  
VE BÜRO HİZMETLERİ LTD. ŞTİ.**  
MRK: Aşirefendi Cd. No: 1 Murat Han Kat: 6- Sirkeci - IST.  
Tel: 522 39 02 - 526 42 64 - 513 22 99 Fax: 522 68 01  
ŞUB: G.O.Paşa Tel: 0212. 417 07 18 Fax: 417 07 48  
Haliç Kurumlar V.D. 330 002 6022  
Yeminli Büro: TÜCED - M9800077

**TURKISH GRAND NATIONAL ASSEMBLY**

**LEGISLATION PERIOD**

24

**LEGISLATION YEAR**

5

**SEQUENCE NUMBER: 681**

PARLIAMENT INVESTIGATION COMMISSION

REPORT ON

FORMER MINISTER OF ECONOMY MEHMET ZAFER ÇAĞLAYAN,  
FORMER MINISTER OF INTERIOR MUAMMER GÜLER, FORMER  
MINISTER OF EUROPEAN UNION EGEMEN BAĞIŞ, AND FORMER  
MINISTER OF ENVIRONMENT AND URBAN PLANNING ERDOĞAN

BAYRAKTAR

JANUARY 2015



#### **2.4. General Evaluation and Conclusion**

The mindset that "any methods that are in accordance with the law / against the law can be used when fighting people suspected of committing crime, and if necessary laws of third parties can also be breached" must have been abandoned a very long time ago, and maximum efforts should be shown for allowing enjoyment of individual rights and freedoms as desired by law-makers, in particular the judicial officers and law enforcement officers should be ensured according to legislations as any acts to the contrary will disrepute their works, tarnish their reputation in the eye of society, and cripple the social peace.

A great importance has been given to the right to privacy which is secured under the Turkish Constitution of 1982, Section IV "Privacy and Protection of Private Life", Sub-section A: "Privacy of Private Life", Article 20, and strict conditions have been imposed for interception, listening and recording of communications under Article 135 of Code of Criminal Procedures No. 5271, technical surveillance under Article 140 of Code of Criminal Procedures. It is evident that anybody who acts to the contrary will face criminal charges as defined under Turkish Criminal Law No. 5237.

Given Article 6 of the Constitution and the Circular No. 100 published on 20.01.2006 by Ministry of Justice General Directorate of Sanctions, the report which was issued about 4 ex-Ministers and the findings obtained as a result of interception, listening and recording of communications and technical surveillance by Istanbul Chief Public Prosecutor's Office's Terror and Organized Crimes Investigation Bureau, and the Organized Crimes Brach of Police, which is at the disposal of said Bureau, through fraudulent ways for evading the law, are null and void.

In their punitive strategy expanded into complete body of our criminal law, the law-makers required to ensure that all procedures under an investigation-prosecution process are entirely in accordance with the law. Leaving the door slightly open for illegal – corrupt actions will appeal new illegal – corrupt actions. Therefore, those who use the powers of law should act consciously in accordance with the intention of law-makers.

Turkish Grand National Assembly

(Investigation No: 681)



Both investigation documents referred to our commission have the nature of denunciation for 4 ex-Ministers, and given that fact, the evidences were reinvestigated through new investigations and inspections carried out in a duly manner.

When monitoring and listening to communications of a person pursuant to a court order, if any evidence which involves possibility of a criminal activity is found during communication with another person, then such evidence is considered as coincidental evidence, and the person who carries out the monitoring should file such evidence to Public Prosecutor who in turn will make a decision whether to initiate any action on the basis of such evidence pursuant to Article 138 of Turkish Criminal Law. However, it must be accepted that after finding such evidence, if the monitoring continues for obtaining new evidences about the same person, then any subsequent evidences will not be considered as coincidental evidences, and any evidences which will be obtained about that person without a valid court order will be entirely against the law and invalid. After obtaining coincidental evidences, if no investigation is initiated on the basis of such evidence, the initially obtained coincidental evidence will be nothing but a denunciation. In addition, as the Public Prosecutor has no authority to initiate an investigation against minister on the basis of coincidental evidence, then such evidence cannot be taken into account in the ongoing investigation.

Of the offenses which the Ministers were charged, for committing a bribery offense, there should be an agreement between the parties for performance or nonperformance of a certain action. Indeed, the relevant conduct should also be within the jurisdiction of relevant minister. In the investigation, considering each of the conducts which the 4 Ministers were charged, no illegal aspect was found in such conducts. Therefore, though there is nothing which would require giving or receiving bribe, even if we disregard all of these for a moment, there is still no sufficient suspicion which would require initiating an action regarding exchange of monies under bribery. Actually, there is no evidence which shows that conducts such as embezzlement and bribery which are considered as corruption offenses. Actually, there is no such claim, either.

Turkish Grand National Assembly

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**IN THE LIGHT OF ALL FACTS DETAILED ABOVE:**

**A) Regarding Former Minister of Economy Mehmet Zafer ÇAĞLAYAN**

An investigation was decided to be carried out against Former Minister of Economy Mehmet Zafer Çağlayan who was charged with forgery, smuggling and bribery offenses, claiming that he facilitated operations of Rıza SARRAF in exporting gold to Iran, hindered judicial and administrative investigations regarding 1,5 tons gold which was purported to be illegally brought into the country from Ghana, and tried to send that gold out to Dubai in return for some material benefits provided by Rıza SARRAF, the amount and value of which could not be determined.

In his plea detailed here above, the Former Minister in question made the following statements as a summary:

"All investigations carried out by the Public Prosecutor and law enforcement are claimed to be void, I have never been engaged in any unlawful transactions involving gold, and the claims that I facilitated transactions are completely untrue. Actually, I neither attempted to nor have any authority to hinder judicial and administrative investigations regarding 1,5 tons of gold purported to be illegally brought into the country from Ghana,

Furthermore, in spite of forgery charges, I have certainly not forged any documents,

I have not been engaged in any conducts in Halk Bank that would be to the detriment of Bank and favor of clients, nor have I any relationship, either direct or indirect, with hindering of transactions and procedures of some clients. Actually, these facts are established under investigators' reports. All charges are completely untrue.

As the Public Prosecutor established that there has been no smuggling offense, then it is groundless that I was involved in such an offense.

For the watch and piano which were asserted to be given as a gift, I made payment in cash, and that claim is not true."



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In the investigation carried out by our Commission, we evaluated statements of witnesses heard regarding the mentioned cases, property investigations, and expert person reports:

As a result of the investigation carried out by Bakırköy Public Prosecutor's Office regarding the foregoing case, the conduct was not found to constitute a smuggling offense, on which grounds, a decision not to prosecute, with details, date and number given above, was made, which has become final and absolute following objections thereto, so there is no smuggling offense,

Regarding other charges, an investigation was carried out by Istanbul Chief Public Prosecutor's Office against involved people, and such charges were decided to be void and null as they were based on evidences which were illegally obtained by law enforcement and public prosecutors who initiated the investigation, and as the other issues did not constitute any offense, the abovementioned "Decision not to prosecute" was made, which decision has become final and absolute following objections thereto, and no unusual situation was noticed as defined in the expert's report prepared as a result of property investigation,

In the expert's report, it is stated that the sum of TRL 2.465.000 which was transferred from by Mehmet Şenol ÇAĞLAYAN to Mehmet Zafer ÇAĞLAYAN's account was made as a result of transfer of shares, and as a part of the sum of TRL 4.736.810 which had previously been declared as receivables in the declaration of property, and it was also declared TRL 660.000, the cost of watch paid to Rıza SARRAF, was covered from the remaining portion of said receivable,

A letter signed by Rıza SARRAF where he declared to be paid for and receive the price of the watch which he brought from Switzerland; also regarding EUR 40.000 paid for the piano which he took from the same person, he declared to have paid said EUR 40.000 from the EUR 47.000 of his wife which had been previously declared in the statement of property; and we have come to the opinion that there is no evidence which would lead to sufficient suspicion for referring him to the Supreme Court, and accordingly he should not be referred to the Supreme Court.



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**B) Regarding Former Minister of Interior Muammer GÜLER:**

An investigation was decided to be carried out against Former Minister of Interior Muammer Güler who was charged with forgery of official documents (Article 204 of Turkish Criminal Law), influence peddling (Article 255 of Turkish Criminal Law), bribery (Article 252 of Turkish Criminal Law), breach of secrecy of investigation (Article 285 of Turkish Criminal Law) offenses, claiming that he gave Riza SARRAF's vehicles the privilege of using emergency lane, and assigned guards for said person, assisted naturalization of said person and some detained suspects and his relatives into Turkish citizenship by illegal and exceptional ways, instructed to check whether there were any judicial or intelligence investigations regarding said person, attempted to prevent media's publishing or broadcasting of any news regarding said person in return for some material benefits provided by Riza SARRAF, the amount and value of which could not be determined.

In his plea regarding the conducts defined in the investigation motion, the Former Minister in question made following statements as a summary:

"The authority to allow use of emergency lanes and assigning guards belongs to the governors in provinces, and he did not contribute to decision of assigning guards, nor is there any illegality regarding allocation of license plate,

The application for exceptional naturalization was process which was initiated before he came to the office, and the procedures were performed in accordance with legislations, and naturalization was granted by a Cabinet decree,

Regarding the claim that he instructed to check whether there were any judicial or intelligence investigations regarding said person, he said that said person informed him that some civilians were following him upon which he instructed investigation of that case for security purposes, and he was not aware of the judicial investigation."

Moreover, regarding the investigation on his property, he declared that he contributed to property of his daughter Burcu GÜLER, and there is no unusual aspects regarding his own properties, which was proved by expert's report; and regarding his son Banış GÜLER's properties, he declared that his son gained his property while he had been engaged in real estate business and other miscellaneous businesses for a long time, most of which was before he became a Minister, and that he only partially contributed to his properties.



Regarding his attempts to prevent media's publishing or broadcasting of any news, he said that said person informed him that an unfair article would be punished about him whereupon he called Chief Editor of Bugün Newspaper and CEO of the Group which owns Yeni Şafak Newspaper and informed them about it, and other than that, there was certainly no attempt to prevent any news or place pressure.

Upon evaluation of other evidences, witness testimonies, and experts' reports available in the file, we have come to the opinion that there is sufficient suspicion that he committed the charged offenses, and accordingly he should not be referred to the Supreme Court.

**C) Regarding Former Minister of European Union Egemen BAĞIŞ:**

An investigation was decided to be carried out against Former Minister of European Union Egemen BAĞIŞ who was claimed to have intermediated attempts of Rıza SARRAF to lease a hotel with tourism certificate, and obtain visa for his relatives, caused relevant authorities and bodies to conduct inquiries to detect whether there were any investigations involving said person, attempted to prevent media's publishing and broadcasting of any news about activities of that person in return for some material benefits provided by Rıza SARRAF, the amount and value of which could not be determined.

In his plea detailed here above, the person in question made following statements as a summary:

"Rıza SARRAF attempted to open a hotel, and he learnt that he bought a building from a person whom he was also acquainted with, and he just wished him for the best in that attempt and had no other involvement and engagement in it, and as far as he knew, said project failed to be fulfilled, and indeed, the it is no him but the Ministry of Culture and Tourism that had the authority to authorize openings of hotels, and such claims were unfounded, and nonsense,

The claims that he caused relevant authorities and bodies to conduct inquiries to detect whether there were any investigations involving said person were also completely untrue,



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He had no attempt to prevent media's publishing and broadcasting of any news about activities of that person, and he only informed Hüseyin ÇELİK about it."

Other than that plea, the witnesses heard made no statement that he benefited in any way as a result of those claims or otherwise.

Istanbul Chief Public Prosecutor's Office carried out an investigation regarding the bribery offense against Riza SARRAF and others in connection with these cases, and concluded that the conducts of investigated suspects did not constitute any bribery offense, and made a decision not to prosecute on grounds that the technical surveillance and listening records were performed unlawfully and against the laws, and said decision not to prosecute has become final and absolute upon dismissal of objections thereto. Our Commission was not content with that, and continued investigation. As a result of inspection of property, as defined in the expert's report, of the three significant real properties, one was inherited from his mother, the second was bought using the monies obtained from sale of a previously purchased real property, and the third was bought from a construction company under with payment in installment; documents relating thereof were filed, and we concluded that there was no sufficient suspicion that would lead to prosecution, in other words, no sufficient suspicion that would require referring him to the Supreme Court.

**D) Regarding Former Minister of Environment and Urban Planning Erdoğan BAYRAKTAR:**

In the investigation and inspection regarding the claims that a criminal organization's leaders and members facilitated approval of individual development plans, ignored unlawful aspects of some projects which were against development plans, and ensured trouble-free completion of any inspections thereof, in return for some material benefits provided the amount and value of which could not be determined; and some of such conducts were performed within knowledge of Erdoğan BAYRAKTAR, who was then the Minister of Environment and Urban Planning, and he mediated for ensuring that companies which were awarded contracts by the Ministry outsource catering services from companies in which his relatives had shares.

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As defined above, Istanbul Chief Public Prosecutor's Office carried out an investigation against the people involved in case in question charged with the offenses: altering, destroying or hiding official documents, receiving or giving bribe, causing construction pollution, establishing an organization for committing crime, being a member to an organization established for committing crime, and malfeasance, upon which investigation, Istanbul Chief Public Prosecutor's Office decided not to prosecute due to lack of evidence, and said decision has become final and absolute. Moreover, as a result of the investigation carried out by our Commission, we failed to find any evidences which prove committal of offenses defined in the investigation motion. Therefore, we do not think that Former Minister of Environment and Urban Planning Erdoğan BAYRAKTAR should be referred to the Supreme Court.

#### CONCLUSION AND DECISION

On the basis of whole file content and grounds as detailed here above, in the Commission meeting dated 05.01.2015, it was decided by majority of votes (9 votes against 5 votes) that Former Minister of Economy Mehmet Zafer ÇAĞLAYAN, Former Minister of Interior Muammer GÜLER, Former Minister of European Union Egemen BAĞIŞ, and Former Minister of Environment and Urban Planning Erdoğan BAYRAKTAR would not be referred to the Supreme Court.

05.01.2015

Chairman <i>Hakkı Köylü</i> Kastamonu	Vice-chairman <i>Yılmaz Tunç</i> Bartın	Spokesman <i>Mustafa Kemal Şerbetçioğlu</i> Bursa
Clerk <i>İlknur İnceöz</i> Aksaray	Member <i>İsmet Su</i> Bursa	Member <i>Bilal Uçar</i> Denizli
Member <i>Osman Taney Korutürk</i> İstanbul (Opposition Note)	Member <i>Rıza Mahmut Türmen</i> İzmir (Opposition Note)	Member <i>Erdal Aksünger</i> İzmir (Opposition Note)
Member <i>Mesut Dedeoğlu</i> Kahramanmaraş (Opposition Note)	Member <i>Ayşe Türkmenoğlu</i> Konya	Member <i>Mustafa Akiş</i> Konya
Member <i>Emre Köprülü</i> Tekirdağ (Opposition Note)	Member <i>Yusuf Başer</i> Yozgat	

Turkish Grand National Assembly

(Investigation No: 681)

I the undersigned hereby certify document handed over to me in original (Photocopy / fax) *T.C.* language has been translated to *ENGLISH* in full and correct manner.

REGISTERED TRANSLATOR  
**H.Özmen SALTİK**

**TÜRKİYE BÜYÜK MİLLET MECLİSİ**  
**TUTANAK ÖZETİ**  
**44'üncü Birleşim**  
**20 Ocak 2015 Salı**

TBMM Genel Kurulu saat 15.00'te açılarak yedi oturum yaptı.

Afyonkarahisar Milletvekili Kemalettin Yılmaz, Afyonkarahisar ilinde yarınlık kalan bazı kamu yatırımlarına,

İstanbul Milletvekili Ali Özgündüz,  
Erzurum Milletvekili Adnan Yılmaz,  
20 Ocak 1990 Bakü katliamının 25'inci yıl dönümüne;  
İlişkin gündem dışı birer konuşma yaptılar.

Hatay Milletvekili Mevlüt Dudu ve 23 milletvekilinin, taş ocağı, kireç ocağı, maden ve kömür ocaklarının durumlarının araştırılarak alınması gereken önlemlerin belirlenmesi amacıyla Meclis araştırması açılmasına ilişkin önergesi (10/1173),

Ankara Milletvekili Levent Gök ve 24 milletvekilinin, Ankara'nın su kaynaklarının ıslah edilmesi için yapılması gerekenlerin araştırılarak alınması gereken önlemlerin belirlenmesi amacıyla Meclis araştırması açılmasına ilişkin önergesi (10/1174),

Erzincan Milletvekili Muharrem Işık ve 29 milletvekilinin, ÖSYM'de yaşanan sınav skandallarının araştırılarak alınması gereken önlemlerin belirlenmesi amacıyla Meclis araştırması açılmasına ilişkin önergesi 500 kelimededen fazla olduğu için özeti (10/1175),

Genel Kurulun bilgisine sunuldu; önergelerin gündemdeki yerlerini alacağı ve ön görüşmelerinin sırası geldiğinde yapılacağı açıklandı.

Başkanlıkça, Kadın Erkek Fırsat Eşitliği ile İnsan Haklarını İnceleme Komisyonlarında siyasi parti grubu mensubu olmayan milletvekillerine düşen birer üyelik için aday olmak isteyen siyasi parti grubu mensubu olmayan milletvekillerinin yazılı olarak müracaat etmelerine ilişkin duyuruda bulunuldu.

Türkiye Büyük Millet Meclisi Başkanlığı'nın,

26/1/2015 tarihinde İspanya'nın Barselona şehrinde düzenlenecek Akdeniz İçin Birlik Parlmenter Asamblesi Ekonomik ve Mali Konular, Sosyal İşler ve Eğitim Komitesi toplantısına ve Komite toplantısı kapsamında gerçekleştirilecek Akdeniz İçin Birlik Sekretaryasıyla görüşmelere Komite üyelerine ilaveten AİBPA Türkiye delegasyonunun diğer üyelerinin de katılmalarına,

Özbekistan Cumhuriyeti Ali Meclisi ile Türkiye Büyük Millet Meclisi arasında parlamentolar arası dostluk grubu kurulmasına,

İlişkin tezkereleri kabul edildi.

Danışma Kurulunun, gündemin “Kanun Tasarı ve Teklifleri ile Komisyonlardan Gelen Diğer İşler” kısmında bulunan 648 sıra sayılı Kanun Tasarısı’nın bu kısmın 7’nci sırasına alınmasına ve diğer işlerin sırasının buna göre teselsül ettirilmesine; (9/8) esas numaralı Meclis Soruşturması Komisyonunun 14/1/2015 tarihinde dağıtılan 681 sıra sayılı Raporu’nun gündemin “Meclis Soruşturması Raporları” kısmına alınmasına ve rapor üzerindeki görüşmelerin Genel Kurulun 20 Ocak 2015 Salı günü birleşiminde yapılmasına ve görüşmelerin tamamlanmasına kadar Genel Kurulun çalışmalarına devam etmesine; Genel Kurulun 21 Ocak 2015 Çarşamba günü birleşiminde sözlü soruların görüşülmemesine ilişkin önerisi kabul edildi.

Aydın Milletvekili Bülent Tezcan’ın, (2/248) esas numaralı 2090 Sayılı Tabii Afetlerden Zarar Gören Çiftçilere Yapılacak Yardımlar Hakkında Kanunda Değişiklik Yapılmasına İlişkin Kanun Teklifi’nin doğrudan gündeme alınmasına ilişkin önergesi yapılan görüşmelerden sonra kabul edilmedi.

Kayseri Milletvekili Yusuf Halaçoğlu, 20 Ocak 1990 Bakü katliamının 25’inci yıl dönümüne ve MHP Grubu olarak, Karabağ’ın yeniden Azerbaycan'a bağlanması, bağımsız Azerbaycan’ın sonsuza kadar yaşamاسını dilediklerine ilişkin bir açıklamada bulundu.

Isparta Milletvekili Süreyya Sadi Bilgiç ve 76 milletvekilinin; bazı maddi menfaatler karşılığında bir şahsin İran'a altın ihracatı işlerinde imtiyaz sağladığı, Gana'dan kaçak yollarla yurda sokulmak istediği iddia edilen 1,5 ton altınla ilgili adli ve idari soruşturmaları engelleyerek altının Dubai'ye çıkışını sağlamaya çalıştığı ve bu eylemlerin Kaçakçılıkla Mücadele Kanunu'na muhalefet oluşturduğu, Türk Ceza Kanunu'nun 204 ve 252’nci maddelerine uyduğu iddiasıyla Ekonomi eski Bakanı Mehmet Zafer Çağlayan; bazı maddi menfaatler karşılığında bir şahsin araçlarına trafikte emniyet şeridini kullanma imtiyazı verdiği ve söz konusu şahıs için koruma polisi görevlendirdiği, bu şahısla birlikte gözaltına alınan bazı şüphelilerin ve yakınlarının yasaya aykırı olarak istisnai yoldan Türk vatandaşlığına geçirilmesini sağladığı, bu şahısla ilgili adli veya istihbari çalışma yapılip yapılmadığının araştırılması için talimat verdiği, bu şahsin usulsüzlükleri hakkında basında çıkacak haberlerin engellenmesi için girişimde bulunduğu ve bu eylemlerin Türk Ceza Kanunu'nun 204, 255, 252 ve 285’inci maddelerine uyduğu iddiasıyla İçişleri eski Bakanı Muammer Güler; bazı maddi menfaatler karşılığında bir şahsin turizm belgeli bir otel kiralama girişimi ile yakınlarına vize alınması işleri için aracılık ettiği, bu şahısla ilgili bir soruşturma olup olmadığı yönünde ilgili kurum ve kuruluşlarda araştırma yapılmasını sağladığı, bu şahsin faaliyetiyle ilgili basında haber yapılmasının önlenmesi için girişimlerde bulunduğu ve bu eylemlerin Türk Ceza Kanunu'nun 255 ve 252’nci maddelerine uyduğu iddiasıyla Avrupa Birliği eski Bakanı

Egemen Bağış ile bir suç örgütünün yönetici ve üyelerinin kendilerine sağlanan ve miktar ve değeri tespit edilemeyen bazı menfaatler karşılığında kişiye özel imtiyazlı imar planlarını onaylattıları, imar planlarına aykırı olarak yapılan bazı projelerin usulsüzlüklerine göz yumdukları ve denetimlerden sorunsuzca geçmelerini sağladıkları ve bu eylemlerin bir kısmının kendisinin görevde olduğu sırada ve onun bilgisi doğrultusunda gerçekleştirildiği, ayrıca bakanlıkta iş alan bazı şirketlerin yemek işlerinin yakınlarının ortağı olduğu şirketlere verilmesi için tavassut ettiği ve bu eylemlerin Türk Ceza Kanunu'nun 255 ve 257'nci maddelerine uyduğu iddiasıyla Çevre ve Şehircilik eski Bakanı Erdoğan Bayraktar hakkında Anayasa'nın 100'üncü, İç Tüzük'ün 107 ve 108'inci maddeleri uyarınca bir Meclis soruşturması açılmasına ilişkin önergesi ve Meclis Soruşturması Komisyonu Raporu (9/8) (S.Sayı: 681), üzerindeki görüşmeler tamamlanarak Ekonomi eski Bakanı Mehmet Zafer Çağlayan, İçişleri eski Bakanı Muammer Güler, Avrupa Birliği eski Bakanı Egemen Bağış ile Çevre ve Şehircilik eski Bakanı Erdoğan Bayraktar'ın Yüce Divana sevk edilmemeleri yönündeki (9/8) esas numaralı Meclis Soruşturması Komisyonu Raporu kabul edildi.

İstanbul Milletvekili Mehmet Akif Hamzaçebi, Oturum Başkanı TBMM Başkan Vekili Ayşe Nur Bahçekapılı'nın (9/8) esas numaralı Meclis Soruşturması Komisyonu Raporu'nun sunumunu eksik yaptığına ve gizli oylamanın sağırlıklı bir şekilde yapılması için Başkanlık Divanının gerekli önlemleri almasını talep ettiğine,

İzmir Milletvekili Oktay Vural, Milliyetçi Hareket Partisi olarak, annesinin vefatı nedeniyle Mersin Milletvekili Mehmet Zafer Çağlayan Genel Kurulda bulunamadığından (9/8) esas numaralı Meclis Soruşturması Komisyonu Raporu'nun oylamasının ertelenmesi gerektiğini düşündüklerine ve gizli oylamanın sağırlıklı bir şekilde yapılması için Başkanlık Divanının gerekli önlemleri almasını talep ettilerine,

Konya Milletvekili Faruk Bal, Oturum Başkanı TBMM Başkan Vekili Ayşe Nur Bahçekapılı'nın (9/8) esas numaralı Meclis Soruşturması Komisyonuna üye seçimi sırasındaki bazı ifadelerine,

Mardin Milletvekili Muammer Güler, (9/8) esas numaralı Meclis Soruşturması Komisyonuna verdiği yazılı ve sözlü savunmasına ilave edecek başka bir husus bulunmadığını,

İstanbul Milletvekili Egemen Bağış, (9/8) esas numaralı Meclis Soruşturması Komisyonunun kararına saygı duyduğuna,

İzmir Milletvekili Oktay Vural, (9/8) esas numaralı Meclis Soruşturması Komisyonu Raporu üzerinde farklı ceza hükmüne dayanan önergelerin oylamalarının ayrı yapılması ve Mersin Milletvekili Mehmet Zafer Çağlayan'ın Türk Ceza Kanunu'nun 257'nci maddesine göre Yüce Divana sevkiyle ilgili önergelerin düzeltilmesi gerektiğine,

Kayseri Milletvekili Mustafa Elitaş, İzmir Milletvekili Oktay Vural'ın yaptığı açıklamasındaki bazı ifadelerine,

İzmir Milletvekili Oktay Vural, Kayseri Milletvekili Mustafa Elitaş'ın yaptığı açıklamasındaki bazı ifadelerine,

İzmir Milletvekili Oktay Vural,

İstanbul Milletvekili Mehmet Akif Hamzaçebi,

Bingöl Milletvekili İdris Baluken,

Bakanların vekâleten oy kullanmalarıyla ilgili itirazları sonuçlandırılmadan oylama sonucunun açıklanmasının doğru olmadığına ve (9/8) esas numaralı Meclis Soruşturması Komisyonu Raporu'nun kabul

edilmiş sayılması için önergelerin oylamasında ret oylarının en az 276 olması gerektiğine;

Adiyaman Milletvekili Ahmet Aydin, İzmir Milletvekili Oktay Vural ile İstanbul Milletvekili Mehmet Akif Hamzaçebi'nin yaptıkları açıklamalarındaki bazı ifadelerine,

İlişkin birer açıklamada bulundular.

Tekirdağ Milletvekili Emre Köprülü, Bartın Milletvekili Yılmaz Tunç'un (9/8) esas numaralı Meclis Soruşturması Komisyonu Raporu üzerinde Komisyon adına yaptığı konuşması sırasında şahsına sataşması nedeniyle bir konuşma yaptı.

Oturum Başkanı TBMM Başkan Vekili Ayşe Nur Bahçekapılı,

Konya Milletvekili Faruk Bal'ın (9/8) esas numaralı Meclis Soruşturması Komisyonu Raporu üzerinde şahsi adına yaptığı konuşmasındaki bazı ifadelerine,

Mersin Milletvekili Mehmet Zafer Çağlayan'ın annesinin vefatı nedeniyle Genel Kurula katılamayacağına ve kendisine başsağlığı dilediğine,

Kullanılan oy pusulaları ile imzalar arasında örtüşme olduğuna ve mükerrer oy olmadığını,

İlişkin birer konuşma yaptı.

(9/8) esas numaralı Meclis Soruşturması Komisyonu Raporu'yla ilgili verilen önergelerin oylamalarının İç Tüzük hükümlerine uygun olup olmadığı hususunda usul görüşmesi yapıldı. Başkanlığın tutumunda bir değişiklik olmadığı açıklandı.

Alınan karar gereğince, 21 Ocak 2015 Çarşamba günü saat 14.00'te toplanmak üzere 02.43'te birleşime son verildi.

Ayşe Nur BAHÇEKAPILI  
Başkan Vekili

Muharrem IŞIK  
Erzincan  
Kâtip Üye

Muhammet Bilal MACİT  
İstanbul  
Kâtip Üye

Bayram ÖZÇELİK  
Burdur  
Kâtip Üye

# **EXHIBIT 16**

# THE WALL STREET JOURNAL.

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## EUROPE

# Erdogan Scores Big Win in Overcoming Graft Scandal

Parliament Rejects Bid to Refer Former Ministers to Court to Face Corruption Charges



Former Environment and City Planning Minister Erdogan Bayraktar votes at the Turkish parliament in Ankara on Tuesday. The parliament was debating whether to refer four former ministers, including Mr. Bayraktar, for trial over corruption allegations. PHOTO: REUTERS

By **EMRE PEKER**

Updated Jan. 20, 2015 7:58 p.m. ET

ISTANBUL—Turkey's parliament rejected corruption allegations against four former cabinet members, signaling President Recep Tayyip Erdogan's triumph over a year-old scandal that triggered a government purge and crackdown on dissent.

Mr. Erdogan's Justice and Development Party, or AKP, with 312 of the 550 seats in the general assembly, beat back the opposition effort to refer the former ministers to the Constitutional Court.

But the results also indicated some discontent in the AKP, which Mr. Erdogan has run with a firm grip for more than a decade: Dozens of AKP lawmakers took advantage of the secret ballot to vote with the opposition.

The outcome closes the last avenue for bringing members of Mr. Erdogan's inner circle to court to face charges stretching from bribery to bid-rigging. The former ministers, who served alongside Mr. Erdogan in his former post as prime minister, have all denied the charges.

The vote also helps cement Mr. Erdogan's position as he continues a purge against what he has called a "parallel state" in the bureaucracy, allegedly run by his ally-turned-foe Fethullah Gulen, a Turkish imam based in the U.S.

Mr. Erdogan, who was elected president in August, is seeking to bolster his conservative core constituency ahead of general elections in June. If his Islamist-rooted AKP wins enough additional seats in parliament, it could single-handedly overhaul the constitution to strengthen the president's executive power, which Mr. Erdogan says is necessary to build a "new Turkey."

"To let these four ministers off the hook is fundamental to Erdogan's narrative, which is that the corruption case was a plot to prevent him and his party from realizing their grand ambitions for Turkey," said Anthony Skinner, a U.K.-based director at risk advisory Verisk Maplecroft. "Erdogan and his inner circle have been pretty effective in removing proven or suspected supporters of the Gulen movement, and this drive will continue."

Mr. Erdogan has accused Mr. Gulen's alleged network of seeking to stage a "judicial coup" and pledged to punish his religious and social movement, which runs a network of private schools among other activities.

Thousands of police officers, prosecutors and judges, allegedly tied to the Gulen movement, have been removed from their posts over the past year.

Newly appointed prosecutors last year dismissed charges against the former ministers while opening investigations into security chiefs, journalists and others accused of conspiring with Mr. Gulen.

Turkish officials have said they may seek the imam's extradition from the U.S., where he has resided since 1999.

Mr. Gulen denies charges that he plotted to overthrow Mr. Erdogan, with the imam's attorney dismissing statements about his possible extradition as attempts to influence Turkish politics.

Opposition lawmakers have accused the government of masterminding a huge cover-up and dismissed links Mr. Erdogan draws between corruption charges and an alleged coup-plot by Gulen supporters.

Selahattin Demirtas, co-chairman of the pro-Kurdish People's Democratic Party, anticipated the vote's outcome in parliament Tuesday, calling it contemptible.

At the same time, the government crackdown continued: 24 people were detained Tuesday in four provinces for allegedly eavesdropping on 363 top-secret phone conversations by Mr. Erdogan and Prime Minister Ahmet Davutoglu, as well as Turkey's spy chief and a top general. They were mostly bureaucrats from the telecoms watchdog TIB and the state-run Scientific and Technological Research Council of Turkey.

The government also removed security chiefs in a quarter of Turkey's 81 provinces as part of its push to root-out Mr. Gulen's followers from the police department.

"We are doing everything that needs to be done... we have now entered their lairs," Mr. Erdogan said early Tuesday as parliament debated charges against his allies.

Tuesday's voting capped a remarkable turnaround since the scandal broke on Dec. 17, 2013, when prosecutors arrested his ministers' sons and dozens of businessmen in pre-dawn raids on allegations of money laundering, gold smuggling and bribery.

Images of millions of dollars stuffed into safes and shoeboxes at the suspects' homes gripped the nation along with voice-recordings allegedly supporting graft allegations that were leaked online via Twitter Inc. and Google Inc.'s video-sharing site, YouTube.

Coming just three months before critical local elections—and on the heels of Mr. Erdogan's suppression of nationwide, anti-government protests—the corruption allegations gave way to a concerted government effort to squelch dissent.

The government briefly blocked access to Twitter and YouTube in Turkey ahead of the March elections, barring the dissemination of graft allegations on national security grounds.

The social-media platforms came back online only after the top court called the blockages unconstitutional—rulings Mr. Erdogan derided as politically motivated.

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As the bureaucratic purges undermined the judiciary's case against former ministers and businessmen, a parliamentary commission was appointed to investigate the allegations. But faith in its ability to work impartially eroded quickly after nine AKP lawmakers in the 14-member body voted to ban media coverage of their probe.

Evidence submitted as proof of innocence included a hand-written note on a hotel stationary, claiming that former Economy Minister Zafer Caglayan had paid €240,000 (\$280,000) for a Swiss watch that prosecutors had alleged was a bribe. Opposition lawmakers charged the ministers' with presenting dubious explanations, saying their incomes did not match wealth declarations. Mr. Caglayan could not be reached for comment through his office in parliament.

After a two-week delay in releasing its report, the commission said the evidence did not trigger sufficient suspicion for the ministers to face charges. The finding was supported by all AKP lawmakers and rejected by the opposition.

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## **Corrections & Amplifications**

An earlier version of this article incorrectly spelled the first name of President Recep Tayyip Erdogan. (Jan. 20, 2015)

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# **EXHIBIT 17**

# Turkey indicts 3 ex-prosecutors linked to 2013 probe

Istanbul deputy chief public prosecutor demands aggravated life imprisonments for ex-prosecutors linked to anti-graft probe

11.08.2016

Ahmet Sait Akçay

Ankara



Zekeriya Oz

## ISTANBUL

Istanbul's deputy chief public prosecutor has called for aggravated life imprisonments for three former prosecutors, who were dismissed for misconduct over their alleged involvement in a 2013 anti-graft probe targeting Turkey's senior government officials.

According to Omer Faruk Aydiner, who announced the bill of indictment Thursday, former prosecutors Zekeriya Oz, Celal Kara, and Mehmet Yuzgec will be indicted for "forming an organization to commit crime" and "attempting to overthrow the government by use of force", "misconduct", "abusing the duty" and "crime of forgery".

Zekeriya Oz will face aggravated imprisonment plus between 27.5 and 72 years in prison; Celal Kara aggravated imprisonment plus 20.5 to 62 years; and Mehmet Yuzgec aggravated imprisonment plus 12.5 to 38 years in prison, according to the indictment.

"It is understood the December 17 [2013] investigation is not a corruption case, the plaintiff -- as part of the operation to overthrow the Turkey's president -- aimed to link civilians with ministers, then to Republic of Turkey's president."

In December 2014, the three prosecutors were suspended for their alleged roles in the anti-graft probe against several high-profile figures, including the sons of three former government ministers and leading Turkish businessmen.

The government had denounced the probe as a "dirty plot" constructed by the U.S.-based preacher Fethullah Gulen's movement and his alleged "parallel state" -- a purported group of Turkish bureaucrats and senior officials embedded in the country's institutions, including the judiciary and police, who are allegedly trying to undermine the Turkish government.

The three were dismissed in May 2015 in accordance with Article 69 of the Judges and Prosecutors' Law No. 2802, which states that judges and prosecutors would be dismissed from duty if their acts damaged the honor of their profession, and of the reputation of their public post.

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# **EXHIBIT 18**

CATEGORIES

# DAILY SABAH INVESTIGATIONS

Daily Sabah &gt; Turkey &gt; Investigations

## Gülen, suspected associates on trial for coup plot charges

DAILY SABAH

ISTANBUL

Published  
January 6, 2016

Fethullah Gülen is pictured at his residence in Saylorsburg, Pennsylvania September 26, 2013

*The first hearing in the trial of U.S.-based retired cleric Fethullah Gülen and 68 others was held on Wednesday in Istanbul, with the main defendant failing to appear in court. The trial includes former police chiefs accused of orchestrating a plot to overthrow the government three years ago*

Fethullah Gülen, a retired preacher and leader of the shady Gülen Movement, was on trial in absentia on Wednesday in Istanbul on charges of plotting to overthrow the government three years ago. Gülen failed to attend the hearing, instead being a no-show as he was last month in a separate case. During a previous trial, Gülen's lawyers stated that their client preferred to testify from the United States, where he has resided in self-imposed exile since 1999.

The trial of the "Dec. 25 plot" is one of the numerous legal battles being fought in an effort to bring Gülen and his accomplices to justice after it was revealed that the 74-year-old was behind a string of plots against the government and critics of his movement.

The "Dec. 25 plot" refers to a set of operations launched by prosecutors and police chiefs with links to the exiled cleric in 2013 under the guise of

a corruption probe. The defendants are accused of scheming to topple the government by falsely implicating the close circle of Cabinet members and then-Prime Minister Recep Tayyip Erdoğan of corruption on the grounds of fabricated evidence.

At the trial on Wednesday, which was held in a sprawling courthouse complex on Istanbul's European side, nine imprisoned defendants were in attendance -- including Yakup Saygılı, the former head of financial police for Istanbul and the instigator of the Dec. 25 operations -- and 27 other defendants who had been released pending trial. Two other defendants, Sinan Dursun and Hamza Tosun, did not attend the trial and are presumed to be abroad and at large. Dursun is a former police officer who is believed to be a lieutenant of Gülen, while Tosun was a deputy police chief in Istanbul at the time of the plot.

President Erdoğan, along with current and former ministers who are the plaintiffs in the trial, were represented by their lawyers.

A 1,453-page indictment drafted by prosecutor İsmail Uçar requests aggravated life sentences and additional prison terms of 52 years for Gülen and Dursun on charges of a coup attempt and running the Fethullahist Terrorist Organization (FETÖ) / Parallel State Structure (PDY) – the formal name designated for the Gülen Movement's terror activities. Gülen and Dursun are also charged with political espionage for obtaining confidential information regarding the state's security. Saygil and other prominent police chiefs who have been held in detention since 2014 also face life sentences for the coup attempt and affiliation with the FETÖ / PDY.

Gülen was first put on trial in Turkey in December 2015 in the "Tahsiyeciler" trial. He and others, including police chiefs, were accused of plotting against Tahsiyeciler, a religious group critical of the Gülen Movement, and having them imprisoned on false charges and forged evidence.

Gülen is among Turkey's most wanted fugitives, with Turkey exerting tremendous efforts to obtain an international arrest warrant for the cleric. His last known location is a compound owned by his movement in Saylorburg, Pennsylvania. Turkey is seeking to secure his extradition from the U.S.

The indictment states that the accused members of FETÖ / PDY masterminded plots to imprison senior military officers and opposition politicians and exposes the muddled history of the movement, which evolved from a small religious community running an international network of Turkish schools and businesses into a criminal gang.

Gülenists, as they are informally known, have already been accused of illegal wiretapping, blackmail and extortion using infiltrators from within law enforcement and the judiciary to wield influence in bureaucratic circles and the Turkish army.

The indictment leaked to the press said the FETÖ members in the judiciary and law enforcement acted together "under the pretext of a corruption probe" to wiretap ministers and lawmakers, and used forged evidence to have them imprisoned.

On Wednesday's trial is the first in a string of lawsuits filed this year against the Gülenists. In other trials, which are a culmination of inquiries conducted by the Istanbul Chief Prosecutor's Office, FETÖ members will appear before an Istanbul court in the Selam-Tevhid case. Selam-Tevhid is a term coined by Gülenist infiltrators within law enforcement to describe the alleged terrorist organization which they say justified the illegally wiretapping of prominent figures who they had designated to be terror suspects.

The police chiefs currently facing charges are accused of assigning false names to hundreds of people ranging from Daily Sabah journalists to businesspeople and designating them as terrorist suspects in attempts to justify wiretapping. A total of 122 defendants -- including Gülen, a journalist and a police chief -- will stand trial in that case in February.

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